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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Yvonne Gonzalez Rogers, Judge

CALIFORNIA COALITION FOR WOMEN)
PRISONERS, ET AL.,)

Plaintiffs,)

VS.)

NO. CV 23-04155-YGR

UNITED STATES OF AMERICA)
FEDERAL BUREAU OF PRISONS,)
ET AL.,)

Defendants.)

Oakland, California
Tuesday, January 2, 2024

TRANSCRIPT OF PROCEEDINGS

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Reported By: Pamela Batalo-Hebel, CSR No. 3593, RMR, FCRR
Official Reporter

1 searches started happening with respect to attorney visits
2 specifically.

3 **MS. MATTIOLI:** I understand that that's the
4 allegation. We would have to -- we simply didn't have enough
5 time last night. We could pull and match the dates of the
6 visitation to only pull Tuesday and Thursday dates, and if
7 Your Honor wants to pull up a calendar from 2022, we could --
8 we could select a few Tuesdays and a few Thursdays and see if
9 the searches were conducted those days.

10 **THE COURT:** So I'm looking at -- it appears, just at
11 glancing, that the number of strip searches or searches
12 increased significantly in December. Almost doubled.

13 **MS. MATTIOLI:** The explanation for that, Your Honor,
14 is it's a holiday month, and the number -- the actual volume of
15 visitation increased.

16 **THE COURT:** That wasn't the case the prior year.

17 **MS. MATTIOLI:** The searches --

18 **THE COURT:** The searches the prior year were a tiny
19 fraction as compared to December of this year.

20 **MS. MATTIOLI:** I have the correctional captain
21 prepared to testify about the practice if you are concerned
22 about the document -- the evidence there doesn't provide
23 sufficient distinction. We also have an email that she sent --
24 this is from Captain Quezada, December 18th, 2023. She became
25 aware that a unit manager who was supervising legal visitation

CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

DATE: Tuesday, January 2, 2024

Pamela Batalo Hebel

Pamela Batalo Hebel, CSR No. 3593, RMR, FCRR
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EVIDENTIARY HEARING

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1 (Witness examines document.)

2 **THE COURT:** You can sit down and look at it. That's
3 fine.

4 **THE WITNESS:** So there's different categories -- or
5 different columns in here. One is the date, the inmate, the
6 inmate's name, the inmate's registration number, the
7 contraband, if there was any, the disposition, and then the
8 staff.

9 **THE COURT:** Right. So could you show me an example of
10 one time where it was found.

11 **THE WITNESS:** Well, I'll look through.

12 (Witness examines document.)

13 **THE WITNESS:** There's one right here.

14 **THE COURT:** Can you give me the date, please.

15 **THE WITNESS:** Excuse me. November 5th of 2023.

16 **THE COURT:** All right. Do you see any other time?

17 **THE WITNESS:** No, ma'am.

18 **THE COURT:** So only one time in the year and a half
19 that this book was -- where you would log that contraband was
20 actually found?

21 **THE WITNESS:** Correct.

22 **THE COURT:** Proceed.

23 **BY MS. MATTIOLI:**

24 **Q.** And is that book a log of all visual searches conducted at
25 Dublin?

1 **A.** No. That's just the visiting room.

2 **Q.** Where are the other logs of visual searches kept?

3 **A.** The Special Housing Unit has an electronic program. So
4 any inmate entering the Special Housing Unit, it's logged in
5 what's called our -- our True Scope Program. And that's --
6 it's obviously in the computer.

7 There's also a visual search logbook for any outside
8 escort trip. So anytime an inmate is taken outside of the
9 facility, for med trips, furloughs, et cetera, there's a visual
10 search logbook for that as well.

11 **Q.** And I'm sorry, did you say that is electronic or that
12 is --

13 **A.** No. That's an actual book as well.

14 **Q.** Okay. And where is that kept in the institution?

15 **A.** That is kept in the lobby.

16 **Q.** Okay.

17 **THE COURT:** That's kept where?

18 **THE WITNESS:** In the lobby area. The staff pass
19 through there on their way out of the institution.

20 **THE COURT:** Okay. So I have one book. There's
21 another book that's in the lobby.

22 **THE WITNESS:** Correct.

23 **THE COURT:** And you said there's an electronic --

24 **THE WITNESS:** Correct. Visual searches in and out of
25 the Special Housing Unit.

1 and myself. We each reported things that had happened to our
2 vehicles.

3 **THE COURT:** So -- I just want my record to be clear.
4 You live out there in a sense. I don't.

5 **THE WITNESS:** Okay.

6 **THE COURT:** So give me names. When you say that, who
7 do you mean specifically?

8 **THE WITNESS:** Oh, okay. Warden Jusino, Associate
9 Warden Patrick Deveney. At the time, Associate Warden Tammy
10 Robles. And at the time as well, Associate Warden Beth
11 Buckner, Captain Jesse Valero, and myself, we all arrived
12 roughly -- with the exception of Warden Jusino, the rest of us
13 arrived sometime between June and July of 2022.

14 **THE COURT:** Okay. Many of those people aren't on my
15 list of --

16 **THE WITNESS:** They are no longer there. Yeah.

17 **THE COURT:** Okay. So Deveney.

18 **THE WITNESS:** Correct.

19 **THE COURT:** Agostini?

20 **THE WITNESS:** Correct, yes. That's...

21 **THE COURT:** You said Buckner?

22 **THE WITNESS:** Associate Warden Buckner. Yes. She is
23 retired.

24 **THE COURT:** Valero?

25 **THE WITNESS:** He has since retired.

1 **THE COURT:** When you say it's not punitive, but the
2 inmates don't agree with that, given -- and objectively --

3 **THE WITNESS:** Yeah.

4 **THE COURT:** -- it's hard to say it's not punitive when
5 you're restricted to an hour, maybe an hour and 15 outside,
6 which is vastly different from general population.

7 **THE WITNESS:** Yes, it is.

8 **THE COURT:** And there is no other, it appears to me,
9 no other housing situation where maybe you put someone there
10 for protection but they aren't as limited as those who are put
11 there for disciplinary reasons. I mean, you're treating them
12 just like someone who is being disciplined, which suggests it's
13 punitive.

14 **THE WITNESS:** I suppose so. Disciplinary segregation
15 does have more restrictions to it as far as what is -- what
16 they're allowed to receive like from their own property. Now
17 we have kind of a standardized commissary list. So I can
18 understand that -- that point of view for sure.

19 **THE COURT:** And you also understand that numerous
20 inmates were put in SHU after reporting assaults that happened
21 which led to the criminal indictments? Do you understand that?

22 **THE WITNESS:** I -- I understand that was what was
23 reported, yes.

24 **THE COURT:** Do you understand that's what was found to
25 have been done?

1 **THE WITNESS:** Okay. Yeah. Yes. Yes. That was all
2 before I got there.

3 **THE COURT:** I understand that.

4 **THE WITNESS:** Okay.

5 **THE COURT:** Did you and -- and the executive staff
6 consider that history when you were reformulating policies?

7 **THE WITNESS:** We haven't reformulated policies. I'm
8 not sure I understand that.

9 **BY MS. MATTIOLI:**

10 **Q.** If I could. Do you have authority at Dublin to change
11 BOP's national SHU policy?

12 **A.** No.

13 **THE COURT:** Is there anything other than -- I mean, it
14 seems to me that there should be something that is not SHU that
15 protects the inmates but is not general population. Is there
16 anything in between?

17 **THE WITNESS:** There's not. However, since I have
18 arrived there, there are a lot of things that inmates will not
19 go to SHU for. We've -- we've changed that.

20 **BY MS. MATTIOLI:**

21 **Q.** That they could --

22 **A.** That they could. That they probably would have prior to
23 going to the Special Housing Unit.

24 **THE COURT:** Like what?

25 **THE WITNESS:** So I'm not sure if you're familiar with

1 **THE COURT:** No?

2 **THE WITNESS:** Not necessarily.

3 **THE COURT:** So is 400 the worst or 100 the worst?

4 **THE WITNESS:** Oh, I'm sorry. 100 is the worst. Yes.

5 **THE COURT:** So for 100 they go in, a violation.

6 **THE WITNESS:** Depending on what it is. Depending on
7 what it is. If -- so this is one of the things that I'm sure
8 AW Deveney will touch on later. It was kind of agreed upon
9 that we had begun having an increased problem with Suboxone use
10 that was not prescribed to inmates.

11 So we decided to -- if an inmate appeared to be actively
12 under the influence and was acting erratic, they would have to
13 have a medical evaluation and be placed in the Special Housing
14 Unit under observation before actually being placed in the
15 Special Housing Unit, like in a cell and housed. Sorry.

16 However, if an inmate receives a urinalysis test and it
17 comes back positive, they do not -- and that's -- that's a 112,
18 okay, a 112 -- they do not go to the Special Housing Unit
19 unless the DHO assigns them disciplinary segregation time.

20 **THE COURT:** DHO means?

21 **THE WITNESS:** Discipline hearing officer. Sorry.

22 **THE COURT:** Okay.

23 Proceed.

24 **BY MS. MATTIOLI:**

25 **Q.** Would it be fair to say that you and the executive staff

1 try to come up with alternatives to placement in SHU?

2 A. Yes. So because of the increased narcotic use that we
3 have discovered that had been happening, psychology kind of
4 pitched a diversionary program, so to speak. And in
5 conjunction with the disciplinary hearing officer and myself,
6 kind of came up with a solution to instead of automatically
7 putting these -- these women in SHU, allow them -- we kind of
8 have an empty cell or an empty housing unit in GP right now --
9 allow them a restricted kind of program, so to speak, where
10 they would have to be programming and going to, like, drug
11 treatment. Throughout the day they would have minimum, like,
12 television access and kind of -- kind of restricted movement,
13 and then have more freedom in the evening. They have more --
14 more oversight because our drug treatment specialists have
15 offices in there.

16 So we started that program, and it seems to be working.
17 We've only had kind of one group of females, and it was a
18 six-week-long program. But it was well received and it was
19 definitely kind of an a -- an alternative to -- to going to the
20 Special Housing Unit.

21 Q. And using only initials, if you can give me an example of
22 a situation where you could place an inmate in SHU for a
23 non-drug-related issue and you have chosen not to. For
24 example, the things you listed were tattooing or anything
25 non-drug-related.

1 Q. Can anyone in the institution be placed in SHU without you
2 knowing?

3 A. No.

4 Q. And how are you -- how and when are you notified that an
5 inmate is being placed in SHU?

6 A. My lieutenants are required to call me, even if it's the
7 middle of the night. I get phone calls all hours of the day at
8 times when things happen.

9 But, yes, they are required to call me and give me an
10 example or -- I'm sorry -- give me the exact reason why the
11 inmate is being placed in the Special Housing Unit.

12 So and there have been times when my lieutenants now know
13 my expectations. They will, if they have any questions,
14 obviously call me and give me an example of what happened or
15 describe -- I'm sorry, not example -- describe what happened
16 with the inmate. And ultimately it would be my decision
17 whether they're placed in the Special Housing Unit or not.

18 So I've had lieutenants call me and explain that, you
19 know, a staff member was listening to a phone call. The inmate
20 was making a three-way call. Nothing egregious, you know, was
21 said. And I make the choice to not put them in the Special
22 Housing Unit.

23 Q. Are three-way calls allowed?

24 A. No, they're not.

25 Q. And could an inmate be placed in Special Housing for that

1 Your Honor, can I push this to the screen before it's
2 admitted so she can look at it?

3 **THE COURT:** Yes. And I should -- I need a copy.

4 **BY MS. MATTIOLI:**

5 **Q.** Captain, have you seen this document before?

6 **A.** Oh, very familiar with this. Yes.

7 **Q.** And can you just tell me generally what it is?

8 **THE COURT:** Ms. Mattioli, do you have two copies for
9 me or just one?

10 **MS. CZIOK:** Two.

11 **THE COURT:** The courtroom deputy will hold on to one,
12 and I've got my copy here.

13 **MS. MATTIOLI:** We have them electronically also and
14 plan to file them afterwards, just so -- if it gets admitted.

15 **Q.** So you said you have seen this document before?

16 **A.** Yes.

17 **Q.** What is it?

18 **A.** So this is a Special Housing Unit weekly review and it's
19 just a review -- I'm sorry.

20 **Q.** Special Housing Unit weekly review.

21 **A.** Uh-huh.

22 **Q.** I'd like to move for the admission of this document, 407,
23 Exhibit 407, and have you explain what it is.

24 **A.** Okay.

25 **THE COURT:** So this is a standard business record, do

1 I take it?

2 **THE WITNESS:** Yes. It's a standard record.

3 **THE COURT:** Okay. I'll admit it. 407.

4 (Defense Exhibit 407 received in evidence.)

5 **BY MS. MATTIOLI:**

6 **Q.** And it -- is it fair to say that the document you've seen
7 before doesn't have black lines or boxes on it?

8 **A.** Correct.

9 **Q.** Okay. So can you explain to us what this SHU report is?

10 **A.** Absolutely.

11 It's -- it's a summary of many things.

12 Up at the top, it would have the housing -- where it says
13 "Quarter Assignment" under there, that would be the housing
14 assignment that the inmate is assigned to in the Special
15 Housing Unit.

16 The next box just under "Inmate Name" obviously would be
17 their full name, the registration number, the unit that they
18 are basically assigned to as far as their case manager. Case
19 manager, unit manager, etc.

20 The IA date would be the initial placement date in the
21 Special Housing Unit.

22 Oh, I can't even read that.

23 **Q.** It's a little blurry. We don't need every single
24 detail --

25 **A.** No? Okay.

1 **A.** I feel like a message has been sent, not just by
2 everything that happened before we got there, but everything
3 that we've enforced since being there.

4 **Q.** And I'd like to talk about that.

5 Do you feel -- well, let me ask you this. What was the
6 camera system like when you arrived?

7 **A.** I want to say Dublin had approximately 170ish, -80ish
8 cameras. We currently have 386 cameras. There are cameras
9 everywhere.

10 **Q.** Have the cameras helped?

11 **A.** I believe so. Absolutely. I think they've helped both
12 the staff and inmates feel a lot safer.

13 **Q.** And how do the cameras help the staff feel safer?

14 **A.** I think the staff are aware of their placement, and I
15 think there's -- there's this -- been this inherent fear that
16 every staff member at Dublin is involved and accused and kind
17 of put into that same category as the ones who were there doing
18 all of this.

19 And so I -- I -- I believe it has helped them feel a
20 little more protected that they're on camera and people can see
21 that they're doing their job right, the right way.

22 **Q.** Captain, have you ever sexually harassed an inmate?

23 **A.** No.

24 **Q.** Have you ever sexually abused an inmate?

25 **A.** No.

1 hour, yeah, or hour and a half or whatever it was. I don't
2 remember the exact time, but, yeah.

3 **Q.** So if we flip to page 2 of Exhibit 212, if we look at the
4 very top time slot, it's from 6:00 a.m. to 6:30, sexual abusive
5 behavior and intervention, and the topics include Prison Rape
6 Elimination Act?

7 **A.** Uh-huh.

8 **Q.** So during this annual training, the only time that was
9 allotted in this -- in this agenda was a 30-minute slot at
10 6:00 a.m. in the morning for PREA?

11 **A.** That was part of it.

12 **Q.** That was part of that 30-minute slot?

13 **A.** That's part of the PREA training.

14 **MR. ANDERSON:** You can set that exhibit aside.

15 **Q.** You said that sometimes inmates know -- know the policies
16 better than staff. What did you mean by that?

17 **A.** There are a lot of inmates there that actually take the
18 time to research the policy. And there are a lot of newer
19 staff that -- that don't know all of the policies and
20 everything it encompasses.

21 So, yes, there are times when inmates are more versed in
22 policy than a lot of the newer staff that we have.

23 **Q.** I'd like to talk about visual searches. You said that a
24 visual search, you know, it's mandatory for it to be performed
25 anytime there's a suspicion of contraband potentially after a

1 Repeat the question -- that question one more time.

2 Q. Sure. So I -- just help me out here, and if I'm being
3 confusing or if I'm misunderstanding your testimony --

4 A. Uh-huh.

5 Q. -- please let me know.

6 I think you said that policy is black and white, you don't
7 change policy, but you work on enforcing the policy; is that
8 right?

9 A. Correct.

10 Q. Have you made changes to how policies are enforced since
11 you arrived at FCI Dublin?

12 A. I -- I believe by educating staff and following up and
13 making sure there's a system of accountability to make sure
14 that people are doing what they're supposed to be doing, if
15 that's what you're getting at, yes.

16 Q. And while -- while you are determining how to revise
17 enforcement of these policies, did you consider the prior
18 culture at FCI Dublin before you arrived?

19 A. Of course. I think what went on prior to us arriving had
20 an impact on how -- how we manage a lot -- everything.

21 MR. ANDERSON: Could we pull up Exhibit 405, which was
22 already admitted.

23 Q. Do you recall discussing this document?

24 A. Yes.

25 Q. And before we move on, outside of the policies that you

1 are not in control of, does FCI Dublin have its own operating
2 procedures that are specific to Dublin?

3 **A.** Each institution would have an institution supplement that
4 manages kind of within the scope of policy.

5 **Q.** So going back to Exhibit 405, I think you testified this
6 is a SHU visitation log.

7 **A.** Correct.

8 **Q.** Is that right?

9 **A.** Yeah.

10 **Q.** So my question is, is this the whole thing or, you know,
11 do you have a log of what was discussed or what was observed
12 during each one of these visits?

13 **A.** No. This is a log of who visited.

14 **Q.** And do you have a log that describes what happened at each
15 of these visits?

16 **A.** No.

17 **Q.** Let's turn to -- before I move on, if an inmate -- if an
18 incarcerated person raised an issue with someone during one of
19 these visits, where would that be reflected?

20 **A.** Depending on what it is, the staff member would write a
21 memo or email to someone who would need to know. It just
22 depends on what the issue or concern would be.

23 **Q.** And where would we find those notes, those logs?

24 **A.** I -- I -- I'm not sure what you're getting at there.

25 **Q.** I just want to know how I would find out what happened

1 I moved on to taking over the operations side of the house
2 which is the health services side, food service, facilities,
3 safety, human resources, and also the labor relations manager,
4 chairperson for the institution dealing with union, union
5 issues for the institution.

6 I have direct oversight of essentially half of the
7 institution where I oversee the departments and I report
8 directly to the warden.

9 Q. And have you taken on the role of acting warden for a
10 period of time?

11 A. Yes. Since Warden Jusino's retirement in August, I have
12 been acting as acting warden taking on that role, as well as
13 the Prison Rape Elimination Act, the PREA compliance manager;
14 LMR chair, labor management relations; and a number of other
15 disciplines to oversee the institution.

16 Q. Okay. So I'm going to back up just a little bit. I'm
17 going to orient you in time to July of 2022. That's when -- is
18 that when you started at Dublin?

19 A. Correct.

20 Q. As an associate warden?

21 A. Correct.

22 Q. Can you please tell the Court your impression of the
23 institution's functioning when you arrived?

24 A. To start, I would have to say as taking my time as a -- as
25 an agency liaison and traveling the country, seeing

1 approximately 45 to 50 federal institutions, I understood that
2 every institution is not ran the same. I've done six tours in
3 the agency, this Dublin being my sixth. It was by far one of
4 the -- one of the worst institutions that I've come across.

5 Just from the policy compliance standards, the morale, the
6 lack of trust, it was -- it was a tall task to try to come in
7 and restore the culture, restore the confidence. It was, for
8 lack of a better term, the institution was in shambles.

9 **THE COURT:** What do you mean when you say lack of
10 trust? Who are you talking about?

11 **THE WITNESS:** The staff and the inmate population.

12 **THE COURT:** And how about the morale?

13 **THE WITNESS:** The morale was the lowest I've seen in
14 the agency.

15 **THE COURT:** Staff and inmates?

16 **THE WITNESS:** Correct, Judge.

17 **THE COURT:** Or just staff?

18 **THE WITNESS:** Both.

19 In July of 2022, my first week on the job was we had a --
20 a cultural assessment conducted by The Moss Group which was a
21 third-party contractor based on our task force findings from
22 central office.

23 So originally -- I don't know the exact date, but there
24 was a task force initiated from central office that entailed
25 the assistant directors, the director, a number of their staff

1 that came into the institution, and they -- they made multiple
2 findings of what needed to be addressed and what needed to be
3 fixed.

4 A number of those things that were identified were
5 coverage on off-shift hours by management, additional training
6 for staff, additional oversight of the inmate population.

7 **BY MS. MATTIOLI:**

8 **Q.** Can I just stop you briefly. When you say coverage on all
9 shift hours by department heads, what do you mean by that?

10 **A.** So typically with management, you have -- you typically
11 work Monday through Friday. It's a 6:00 to 2:00 institution.
12 At Dublin, there was a lack of oversight when we originally
13 arrived. So we immediately implemented a coverage on off-shift
14 hours.

15 **THE COURT:** When you say 6:00 to 2:00, 6:00 to
16 2:00 a.m. -- I mean 6:00 a.m. to 2:00 p.m. or 2:00 a.m.?

17 **THE WITNESS:** 6:00 a.m. to 2:00 p.m.

18 So we implemented off-shift coverage by the department
19 heads. We implemented a late night coverage, if you will, for
20 every -- every manager in the institution to include the
21 executive staff. I would work weekends and I would work late
22 nights, as well as my counterparts.

23 From the task force findings, they implemented an
24 additional few jobs for the institution or few job positions to
25 help remedy the -- the concerns that we had. That would be to

1 include, as I originally stated, there were two associate
2 wardens at a typical FCI. They implemented a third associate
3 warden to oversee the institution or help assist in overseeing
4 the institution.

5 We also reimplemented the camp administrator executive
6 assistant position that was abolished years prior.

7 We implemented a GS-13 captain. And then the captain role
8 turned into a deputy captain role, a GS-12 deputy captain role.

9 To include in that, central office also implemented a
10 family planning coordinator position as a neutral party to
11 assist the institution in any issues they may have with outside
12 stakeholders.

13 **BY MS. MATTIOLI:**

14 **Q.** Can you explain what the executive assistant position is?

15 **A.** The executive assistant position is essentially the
16 right-hand person to the warden. They would assist the warden.
17 They report directly to the warden. And they assist the warden
18 in any -- any duties or administrative tasks that need to be
19 completed at the institution.

20 In most cases, for the federal government and the Bureau
21 of Prisons, you'll have an executive assistant who also plays a
22 dual role as a camp administrator if there is a satellite camp
23 on site.

24 **Q.** When you say camp administrator, what do you mean by that?

25 **A.** A camp administrator is essentially increased oversight.

1 PREA audit, internal audit.

2 As an agent's liaison in a previous role, you help educate
3 institutions and executive staff on what we could be doing
4 better. In Dublin's case, a majority of the cases that I began
5 tracking weren't reported locally. So that means I have to
6 communicate with the internal -- Office of Internal Affairs,
7 Office of Inspector General, regional office, central office,
8 any -- any outside entities, our rape crisis center with
9 Tri-Valley to see if they got any reportable incidents of
10 sexual abuse, of sexual harassment.

11 And in my findings, even though they may not have reported
12 to be a victim to me as the PREA compliance manager, if they
13 filed a tort claim or they filed any other type of complaint
14 that dealt with sexual abuse or sexual harassment, I wanted to
15 ensure that I was tracking them so there wasn't any retaliation
16 on their behalf.

17 If you're going to claim to be a victim and if you are a
18 victim, I -- I surely want to ensure that you're safe,
19 especially in our facility.

20 **BY MS. MATTIOLI:**

21 **Q.** And when you say PREA cases, are those only staff cases,
22 staff on inmate?

23 **A.** Both. That would be staff-on-inmate and inmate-on-inmate
24 cases.

25 **Q.** Okay. Can you please tell the Court about the current

1 practice Dublin has regarding placing staff on administrative
2 leave?

3 **A.** Judge, this one -- this one has been a sensitive subject
4 for Dublin specifically. To start, as -- as a PREA compliance
5 manager and the acting warden, I am familiar with the process.
6 We're currently tracking -- we currently have around 19 staff
7 on administrative leave out of approximately 207 filled
8 positions.

9 Now, with -- with the institution and with tracking of the
10 cases, administrative leave, we go above and beyond when we're
11 talking about PREA allegations. If I receive a report of -- of
12 sexual abuse at the institution, PREA protocols establish that
13 it has to be some type of physical touching of the genitalia or
14 breasts when you're dealing with female offenders. In our
15 case, any type of touching would result in a -- in a staff
16 member being placed on administrative leave.

17 **Q.** And just to unpack that, is that a -- is that dictated by
18 a local supplement, or is that something that you have just
19 decided to do?

20 **A.** That's something that we've decided to do locally, Judge.
21 And again it also -- it is in line with what the -- what
22 Director Peters has testified to Congress with -- I don't know
23 the date on the top of my mind. I believe it may be in
24 February or March of 2023, saying that there are no staff
25 working behind a fence that have any type of PREA allegation

1 **A.** Physical -- a PREA allegation involving physical touching
2 will result in a staff member being placed on administrative
3 leave.

4 **Q.** Okay. Is that a reported allegation or a substantiated
5 allegation?

6 **A.** Reported.

7 **Q.** Okay. So just to be clear, any report of a -- in your
8 view, any report of a unlawful touching under PREA, allegation
9 of it will result in the person being put on administrative
10 leave? That's how it should work?

11 **A.** That's how it has been working.

12 **Q.** That's how it should work moving forward?

13 **A.** That is how it has been working.

14 **Q.** Okay. Now, you talked just a minute ago about, you know,
15 there's always, quote, a risk of sexual victimization, unquote.
16 Do you recall that, sir?

17 **A.** I do.

18 **Q.** You'd agree as a PREA compliance manager that since 2003,
19 the policy under zero -- under PREA has been zero tolerance for
20 sexual abuse or harassment; right?

21 **A.** That is accurate.

22 **Q.** Okay. So even a risk of any -- above zero is inconsistent
23 with what PREA requires; right?

24 **A.** Two different things, sir. You're talking about zero
25 tolerance for -- for PREA, but still the risk that a PREA

1 **MR. CHA-KIM:** And, Your Honor, at this moment I would
2 renew my request to have a look at the Moss-related documents
3 prior to continuing.

4 **THE COURT:** Well, I don't know that I'm going to --
5 well, the answer to that is no. Let's see how far you get.
6 We've got an hour left.

7 **MR. CHA-KIM:** Understood.

8 **THE COURT:** You didn't know that it was going to come
9 up, so I suspect you've got some questions.

10 **MR. CHA-KIM:** Yes, ma'am. Thank you.

11 **Q.** The Moss report that you discussed with Ms. Mattioli, I
12 take it, it was commissioned to improve agency operations?

13 **A.** It was to identify -- it was a cultural assessment
14 specific to Dublin.

15 **Q.** Okay. And who was it commissioned by? DOJ, BOP, Dublin?

16 **A.** The director's office commissioned the contract for
17 that -- that assessment.

18 **Q.** And where is the director located?

19 **A.** In Washington, D.C.

20 **Q.** Okay. So it was commissioned by folks in Washington, D.C.
21 for it to occur at Dublin?

22 **A.** That is accurate.

23 **Q.** Aside from that purpose we talked about, any other reason
24 that you're aware of that the Moss report was commissioned?

25 **A.** For a previous sexual abuse at the institution, and

1 this Moss report specific to the issue of preventing the risk
2 of sexual abuse?

3 **MS. MATTIOLI:** Your Honor, I'm going to object. The
4 question has been asked and answered.

5 **THE COURT:** Overruled.

6 **THE WITNESS:** Can you repeat the question?

7 **BY MR. CHA-KIM:**

8 **Q.** Yes. And I'll just read it back to you, if that's okay.

9 Keeping us on track to the issue of additional oversight
10 specifically, you mentioned additional staffing of supervisors.
11 Any other specific recommendation that you can recall from the
12 Moss report specific to the issue of preventing -- it should be
13 serious risk of sexual abuse?

14 **A.** Serious risk of sexual abuse when you have oversight on
15 off-shift hours, it minimizes that risk.

16 **Q.** Okay. So just to get a clean record, there was nothing
17 else aside from the additional staffing?

18 **A.** In regard to -- to sexual abuse? Not that I'm aware of
19 off the top of my head.

20 **Q.** Okay. Now, you -- the other thing you mentioned about
21 this Moss report is that it specified additional training. Is
22 that right?

23 **A.** Yes.

24 **Q.** And that's specific to the issue of, like, annual PREA
25 trainings, things of that nature?

1 **A.** From the return visit? Have they memorialized it?

2 **Q.** Yes.

3 **A.** Not that I'm aware of.

4 **Q.** Okay. What, if any, documentation is generated by your
5 facility in response to the aftermath of the Moss report?

6 **A.** As far as training? Can you be more specific?

7 **Q.** Sure. Let's start with most general. The Moss report
8 made several recommendations, adding supervisors and having
9 more training, it sounds like, maybe some other things.

10 Is there any documentation that you or your colleagues
11 generated at FCI Dublin to, let's say, track progress
12 specifically on meeting the goals as set forth by the Moss
13 report?

14 **A.** The Moss Group working plan is something that we've -- we
15 track.

16 **Q.** Okay. That's not quite my question. Any documents that
17 you -- your facility generated, like status report under a Moss
18 plan, something of that nature, do you generate things like
19 that?

20 **A.** Yes.

21 **Q.** Okay. What do you generate to track compliance with the
22 Moss report?

23 **A.** The working plan.

24 **Q.** What is the working plan?

25 **A.** It's The Moss Group working plan to give us -- it's a

1 phase of how -- where we've completed the recommendations and
2 where we're at as far as the progress in those recommendations.

3 Q. Now, that document is just as readily available as the
4 Moss report itself, in your view, from your records?

5 A. Readily available to whom?

6 Q. Like you can pull it from your records just like you
7 pulled the Moss report?

8 A. I could.

9 Q. Okay. So would you -- would it be fair to say that you
10 would agree the Moss working plan that you're talking about
11 would be a contemporary reflection of the Dublin facility
12 keeping track of how it's doing to meet the goals in that
13 report?

14 A. That's accurate.

15 Q. Okay. So would it be helpful, do you think -- would it be
16 a document then that that would show exactly the steps that you
17 would take or have taken?

18 A. It would show progress.

19 Q. Okay. Is that a document you can share with the Judge?

20 A. Yes.

21 Q. Okay. Can you pull it in the next few days? Is that
22 possible?

23 MS. MATTIOLI: I'm going to object to the witness
24 agreeing to do things without involving the lawyer.

25 THE COURT: Let me get the report.

1 **MS. MATTIOLI:** Okay. I can do that.

2 **THE COURT:** Thank you. Or the follow-up tracking of
3 the working plan.

4 **BY MR. CHA-KIM:**

5 **Q.** Have there been any follow-up visits by the DOJ task force
6 since they came by in 2022?

7 **A.** Nothing specific.

8 **Q.** Did the task force, after its visit in 2022, did it issue
9 any kind of written documentation of its findings or
10 recommendations specific to Dublin?

11 **A.** Yes.

12 **Q.** Is that a document that you can provide the Judge?

13 **THE COURT:** I'll take that one, too.

14 **MS. MATTIOLI:** We will find out. That is a sensitive
15 document. If we can provide it for in camera, we will.

16 **BY MR. CHA-KIM:**

17 **Q.** Now, that document presumably set forth certain steps that
18 Dublin could take in response to its visit?

19 **A.** Yes.

20 **Q.** Is that fair to say?

21 Is there any document akin to the working plan we just
22 talked about that tracks progress made or not made by your
23 facility in response to the tasks force's visit?

24 **A.** Not in response to the task force visit.

25 **Q.** Okay. Mr. Deveney, I think you would agree that turning

1 actions and other things, that's does take away from my time
2 with the inmate population.

3 Q. What steps have you taken towards the survey you were
4 talking about earlier to get feedback on how the executive
5 assistant role has played out?

6 A. Can you rephrase that question?

7 Q. Sure. We were talking about evaluating how the executive
8 assistant role, which has a lot of contact with inmates, we
9 were talking about how you said you were working on a survey to
10 get incarcerated person feedback on how that's going.

11 I just want to know -- I'm sure the Judge wants to know --
12 what steps you've taken to get that survey in motion. You said
13 you were starting to; right?

14 A. Well, you're talking about a survey. What's more
15 important is actually having in-person contact with the -- with
16 our population.

17 THE COURT: No. He is asking you about your testimony
18 that you were taking steps, some kind of steps with respect to
19 surveys. So you either are or you're not. If you are, what
20 have you done?

21 THE WITNESS: Yeah, we set a target date of trying to
22 complete the survey. Now, there's times where you can't meet
23 that target date and you have to push it.

24 THE COURT: What's the target date?

25 THE WITNESS: The -- the target date that we last had,

1 I believe, was November of '23.

2 **THE COURT:** And you did not make that?

3 **THE WITNESS:** Not that I can recall.

4 **THE COURT:** Did you do any draft? Is anybody tasked
5 with trying to come up with what a survey would look like?

6 **THE WITNESS:** No, Your Honor.

7 **BY MR. CHA-KIM:**

8 **Q.** Is that something you could do?

9 **A.** I think with the -- with collaboration with central office
10 and the regional office, that's something that we can work on.

11 **Q.** You mentioned during your testimony people with, quote,
12 ulterior motives, unquote. Who are you referring to?

13 **A.** The bad actors. The individuals that have, for the lack
14 of a better term -- have -- aren't following the proper
15 procedures, aren't following law, could be abusing inmates.
16 There's a number of implications there.

17 **Q.** Okay. And until the investigations that you said are
18 still ongoing are resolved, you can't be fully sure, can you,
19 that certain -- those types of people are still employed at FCI
20 Dublin?

21 **A.** Can you repeat the question?

22 **Q.** Sure. You acknowledge that there are investigations still
23 ongoing. There are cases still ongoing. People are on
24 administrative leave. They may come back. OIG has cases.
25 Things are still in motion. So wouldn't you agree with me --

1 **A.** You're talking about if we receive a PREA allegation that
2 deals with physical touching and I don't have any camera
3 footage to suggest otherwise, then it will be referred to OIA,
4 OIG.

5 **Q.** Okay. So it's if you do get one for touching and you
6 refer it to OIA, and you're out of it --

7 **THE COURT:** OIG. OIG.

8 **MR. CHA-KIM:** OIG. I apologize.

9 **Q.** Do you look at the video camera once you've sent it to
10 OIA -- G?

11 **A.** No. We would look at the video camera first to determine
12 that it is factual.

13 **Q.** I thought you said you would refer it when it was an
14 allegation. So you do do some investigating before you
15 determine --

16 **A.** Fact-finding. There would be fact-finding to determine
17 whether it could be a substantiated case, whether it's an
18 actual -- it's a factual allegation. I can tell you on a
19 number of occasions that we do receive false -- false reports.

20 **Q.** Okay. So as I understand it now, it's not just the
21 allegation. There is some level of determination made by
22 someone at Dublin or some people at Dublin as to whether
23 it's -- I forget -- it could be -- it could be a substantiated
24 case, and in that event, you send it to OIA; is that right?

25 **A.** If full PREA protocols are warranted, it would be referred

1 to OIG.

2 So, in other words, if I have a PREA allegation,
3 Your Honor, and it deals with physical touching, let's say an
4 individual says that they were groped, they were groped, their
5 breasts were groped in a pat search, something along those
6 lines, if I can determine that that's not factual based on
7 camera footage, I would not refer it to OIG at that point. If
8 it's within the scope of employment. There is a scope of
9 employment that we have to -- we have to determine here.

10 Q. So that there are -- so at bottom, there are some PREA
11 allegations made by residents that's not sent to OIA --
12 sorry -- OIG?

13 A. If there is a PREA allegation against staff that we can
14 determine is not a factual PREA allegation, it would not be
15 referred.

16 Q. Okay. Someone determines whether that is factually
17 satisfied to send it to OIA -- or OIG; is that right?

18 A. That would be consistent.

19 Q. Okay. And so tell me about how that determination is
20 made? Who is involved?

21 A. The PREA compliance manager.

22 Q. That's you?

23 A. The -- the SIA, and working on the camera footage. Now we
24 can also do -- the chief psychologist could be involved, and we
25 could do a sex abuse intervention encounter.

1 And in certain cases, if it's a third-party report,
2 there's been times where we receive an allegation that an
3 individual was groped by a -- it would be a third-party report
4 that somebody else was -- was groped by a staff member. We
5 could -- we could interview that alleged victim. And if they
6 absolutely declined that that incident occurred, at that point,
7 we would still refer it to OIA/OIG to make sure that there's an
8 appropriate investigation, but that doesn't mean that we would
9 need to be -- we would need to continue moving forward.

10 Q. Okay. A few things here. This is important which is why
11 I'm asking these questions.

12 You would still send it to OIA/OIG. So even -- you're
13 saying even if you found that there wasn't that factual basis,
14 now you're saying you would send it to OIA/OIG?

15 A. If that was abundance of caution that's necessary, then we
16 would send it to OIG.

17 Q. Is the protocol for this written down anywhere?

18 A. It goes above and beyond the policy.

19 Q. Which policy?

20 A. Staff misconduct.

21 Q. The -- the main Bureau of Prisons Federal Regs, that
22 policy?

23 A. Yes. And 5324.12.

24 Q. Is there any institutional-level document, I forget what
25 they were called earlier, but institutional-level policy or

1 practice document that outlines the steps you're talking about?

2 **A.** No, there is not.

3 **Q.** Okay. You think maybe it's a good idea to have one so you
4 ensure that everyone is following the same steps each time?

5 **A.** Well, who would you be -- who would you say would need to
6 be -- would need that document?

7 **Q.** The people you just mentioned. So it sounded like, and
8 correct me if I'm wrong, you said a whole number of people,
9 yourself, the psychologist, and that psychologist is married to
10 one of the correctional officers, right? Mulcahy, the SIA, and
11 others are involved in this deliberation to determine whether
12 or not to send factual allegations to OIG, which the government
13 touts as a big advance, or OIA.

14 So my question to you is given all that deliberation
15 that's going on, let me ask you the question, what paper trail
16 is generated in each of those cases that you deliberate about
17 whether someone's allegations are going to get sent to be
18 investigated? What paper trail?

19 **A.** You have a sex abuse intervention encounter. You would
20 have documents from the supervisor investigative agent. You
21 could have email trails. But you would -- you would
22 determine -- you -- as a -- as a team, you would determine
23 whether that warrants full PREA protocols.

24 **Q.** Is a memo written?

25 **A.** In the case of something being sent to OIG?

1 acting warden, I may notify the regional director.

2 **Q.** Is OIA or OIG or anyone at BOP or DOJ informed of the
3 number of allegations that you in fact deliberate about in this
4 fashion but don't send to OIA and OIG?

5 **A.** No. But they are also aware of other reporting
6 mechanisms, too. So if I receive an allegation and if you're
7 alluding to some type of mistrust or -- or me making a mistake
8 as a human or us as a group making mistakes, there are still
9 other avenues that they can report these allegations.

10 **Q.** To be clear, sir, I'm not accusing you of anything. I'm
11 just trying to help the Court get to the factual basis for
12 understanding the extent of what you agree is a problem at the
13 facility. That's all I'm trying to do. So we are trying to
14 find out how the Court can assure itself that you are, you
15 know, checking yourselves and doing things right.

16 So I'm not impugning not -- I'm not, you know, impugning
17 you and I want you to understand that. Okay.

18 So you said, well, there are other reporting mechanisms.
19 But by definition if it's in this point, the person has already
20 reported; right?

21 **A.** I'm -- I'm not really understanding your question.

22 **Q.** Let's move on.

23 PREA can be violated without physical touching; right?

24 **A.** Can you repeat that question?

25 **Q.** It can be a violation of PREA to have, you know,

1 **A.** Yes.

2 **Q.** Where?

3 **A.** Same as before. Whether it would be an encounter through
4 psychology, a document through the SIA if it deals with staff.
5 If it's inmate on inmate, it could be through SIS.

6 **Q.** I'm talking about the deliberation of your staff that you
7 were just talking about, just like we were talking for the
8 instances of physical touching, not physical touching. Is
9 there a memo, just like the memo you said exists for the first
10 category, is there a memo that is generated for this category
11 where it's PREA allegation but no physical touching?

12 **A.** There is not a memo generated.

13 **Q.** How do you keep track of the number of complaints that are
14 happening in that category?

15 **A.** There's a PREA tracking log for PREA allegations. But
16 there's also a file shared with SIS or the SIA regarding other
17 allegations as well.

18 **Q.** So, you know, you spoke at length about things like,
19 quote, increased communication, unquote, quote, line of
20 communication, unquote, open them up, quote, let them know
21 we're here, unquote. And we've seen your very nice photo
22 posted up.

23 Can you tell us specific things that, if you can recall,
24 going back to Warden Garcia leaving the facility -- specific
25 things -- specific things that -- actions, meetings, whatever,

1 environment for other individuals to provide suggestions about
2 PREA.

3 **Q.** Yeah, and the only reason I'm asking about town halls is
4 because you said it's the one thing that you've been doing to
5 build the communication about this subject. But you're
6 saying -- so my question is, I guess, all right, that's town
7 halls. Is there anything else that you have taken any kind of
8 concrete step towards doing in order to hear feedback from
9 inmates?

10 **A.** That's not the only thing. Town halls is one, one
11 example. You can -- as we were providing information regarding
12 the pilot phone program, you can provide information on
13 TRULINCS which is extremely helpful. That is historical
14 documentation.

15 You can provide feedback in emails through the mailboxes
16 that I monitor. There -- like I said, there's other avenues
17 you can address these -- these concerns in or aspects that
18 you're discussing.

19 **Q.** Okay. How about a survey? You said that you were looking
20 into and actually taking steps towards a survey to evaluate the
21 executive assistant position and how that's working out. You
22 could in theory do the same to get general feedback on
23 PREA-related changes or lack of changes; right?

24 **A.** To clarify, we wouldn't do a survey to -- to suggest
25 the -- the accuracy of a camp administrator executive assistant

1 role. It would be to provide feedback from the inmate
2 population and what their needs are, not specific to a current
3 position. That position has been identified as a needed and
4 required position.

5 Q. Okay. So can you take steps to create a survey, just like
6 you already did to try to do in November this year, apparently,
7 to get feedback from -- just like the same way? Can you do it
8 to get feedback on PREA-related issues?

9 A. I believe we can.

10 Q. Is there any structural or penological reason why you
11 couldn't?

12 A. Outside of time and resources, I would have to consult
13 with the regional office and central office to make sure that
14 they concur with it. If it goes outside of policy or the law.
15 There's a number of things that I would have to consider in
16 making sure that we have full concurrence and support from --
17 from the regional office and central office.

18 Q. Okay. Aside from that concurrence, is there any other
19 reason why it couldn't happen?

20 A. Not that I can recall.

21 Q. You've read the declarations from the -- that have been
22 filed in this lawsuit, either with the complaint or the motion
23 for preliminary injunction?

24 A. I'm familiar with them.

25 Q. How are you familiar with them?

1 a 583 or an investigative case internally to then determine
2 whether it's a substantiated or unsubstantiated case. And you
3 continue in that manner.

4 But you're also continuing to monitor and -- for
5 retaliation, for alleged victims that you're tracking.

6 You're talking about finding or educating staff on
7 protocols of how to report PREA.

8 It doesn't take much. If you receive a PREA allegation,
9 we have zero tolerance, you're going to report it to the
10 operations lieutenant, and then we can continue with the PREA
11 protocols at that point.

12 It's not very elaborate. It's just a matter of having
13 the -- the training and the confidence in knowing that those
14 reports are going to go to the right people and they're going
15 to be investigated.

16 Q. Well, so and the protocol itself, everything you described
17 in a sense, that needs to be written down somewhere; right?

18 A. Yes.

19 Q. And where is that written down at the facility?

20 A. It would be in policy, in 5324.12 or a one source policy
21 for PREA protocols.

22 Q. Nowhere else specific to the facility?

23 A. Are you talking about for staff?

24 Q. Yeah. For the facility.

25 A. It would be in a share file. It would be in annual

1 training document.

2 Q. But no separate written plan?

3 A. A separate plan? Again, I think it would be redundant.

4 MR. CHA-KIM: Can we put up really quickly plaintiffs'
5 exhibit -- or PI Exhibit 209 and go to page 40, please.

6 Or I'm sorry.

7 Q. Do you have a binder in front of you, or no?

8 A. No, I do not.

9 Q. So there will be a screen coming up in front of you.

10 You're familiar, sir, with the PREA regulations or the
11 sexually abusive behavior prevention and intervention program?

12 A. That looks like the statement for 5324.12.

13 Q. Okay. I'm going to direct your attention to the bottom of
14 the page, section 115.65.

15 MR. CHA-KIM: If we blow up -- yeah, thank you.

16 Q. And follow along with me. It says, "The facility shall
17 develop a written institutional plan to coordinate actions
18 taken in response to an incident of sexual abuse among staff
19 first responders, medical and mental health practitioners,
20 investigators, and facility leadership."

21 Did I read that correctly?

22 A. Yes.

23 Q. You just said that you don't have a plan like that?

24 A. Well, if I -- I would have to familiarize myself a little
25 bit more, but I believe you're talking about the incident, the

1 executive staff incident review.

2 Q. I'm talking about the written institutional plan that in
3 bold blue says the facility shall develop. Do you have that?

4 A. I don't -- I don't see where it says it needs to be
5 written down anywhere.

6 Q. "A written institutional plan."

7 A. Oh.

8 I do not recall.

9 Q. Okay. If you don't have one, is that something you think
10 you should maybe put together for the facility?

11 A. That's something we can work on.

12 Q. Okay. This might be a good time to stop, Your Honor. It
13 is 4:00.

14 THE COURT: How much more do you have?

15 MR. CHA-KIM: A bit more, Your Honor. Meaning not
16 quite 15 minutes or 20 minutes, but a little bit longer, is my
17 best guess. Half an hour.

18 THE COURT: That tells me nothing. One of the
19 problems with not putting attorneys on time restrictions is
20 that you don't then be efficient with your time. I have not
21 done that and perhaps I should have. We have gone one full day
22 and I've heard from two witnesses.

23 MR. CHA-KIM: We do not anticipate the sort of
24 fullness of the topics, for instance, that Captain Quezada
25 would focus on. We thought that they would be -- we surmised

CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

DATE: Wednesday, January 3, 2024

Pamela Batalo Hebel

Pamela Batalo Hebel, CSR No. 3593, RMR, FCRR
U.S. Court Reporter

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CERTIFIED COPY

Before The Honorable YVONNE GONZALEZ ROGERS, Judge

CALIFORNIA COALITION FOR WOMEN)	
PRISONERS, ET AL.,)	
Plaintiffs,)	Evidentiary Hearing
vs)	
UNITED STATES OF AMERICA)	NO. CV 23-04155-YGR
FEDERAL BUREAU OF PRISONS,)	
ET AL.,)	
Defendants.)	Volume 2
_____)	Pages 283 - 547

Oakland, California
Thursday, January 4, 2024

(UNDER SEAL - Pages 414 - 489 and 491, lines 8 - 16)

EVIDENTIARY HEARING

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(Appearances continued next page)

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Proceedings reported by electronic/mechanical stenography;
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1 November of 2008 as an employment law attorney. And I
2 practiced in some capacity as an employment law or labor
3 attorney for the next ten years until I moved into OIA.

4 Q. Okay.

5 And you said there are 140...?

6 A. 146, technically OIA staff now.

7 Q. And there are 120, roughly, institutions in the Bureau of
8 Prisons?

9 A. Yes.

10 Q. So is there an investigative field agent at each prison?

11 A. There is not an agent at every prison, but there is an
12 agent assigned to every prison. So there are some locations
13 where, because of -- because we just don't have enough staff,
14 that they share an investigator with a co-located institution,
15 something that's within a commuting distance.

16 Q. Okay.

17 And what do you do in your role as the chief?

18 A. In my role, I really oversee the operations as far as the
19 investigations go, assigning them, ensuring that they're
20 moving forward, that they're being completed.

21 I oversee communications with the Office of Inspector
22 General which is an important part of our role in the agency,
23 to ensure that the Office of the Inspector General is aware of
24 what we have coming in and that we are communicating
25 effectively with regard to what their stance is on cases, how

1 Justice, and they have jurisdiction over the criminal and
2 administrative misconduct of all DOJ staff.

3 So they are separate from the Bureau of Prisons, but we
4 fall under their umbrella with regard to their oversight of
5 our misconduct processes.

6 **Q.** And can you estimate about what percentage of BOP cases
7 are retained by OIG, that is, they're criminal in nature?

8 **A.** OIG has the ability to review all of our -- all of our
9 allegations and has kind of a right of first refusal with
10 regard to our cases. Year over year on average, they retain
11 about one to two percent of our cases.

12 **Q.** And what happens to the case if OIG declines to take it
13 and investigate?

14 **A.** If we refer a case to OIG and they decline to investigate,
15 it is deferred back to my office, and we make a determination
16 as to how best to move the case forward.

17 **Q.** And what are the options?

18 **A.** Oftentimes, it will get deferred to the local
19 investigators that we discussed earlier. At the
20 122 institutions, they have -- each of them has an assigned
21 investigator.

22 I also have a staff that work more directly for me of
23 approximately 30 investigators who will do some of the more
24 complicated cases, some of the cases that involve higher
25 profile allegations or subjects.

1 Q. And so for the past four months that he was with the
2 Bureau -- I understand he's now retired -- but he reported
3 directly to OIA?

4 A. Yes, he did.

5 Q. And will that practice continue with Putnam's replacement
6 when that person is hired?

7 A. Yes.

8 Q. Has that position been posted?

9 A. It has. It was posted in December.

10 Q. So I want to talk very briefly about the staff sexual
11 misconduct at Dublin occurring between 2019, 2022.

12 How did your office first become aware of the allegations
13 of staff sexual misconduct at Dublin?

14 A. Through our interactions, probably mainly with Putnam. We
15 were aware that there had been a few allegations of sexual
16 misconduct that had been -- that had been picked up by the
17 Office of the Inspector General.

18 Obviously those -- the cases that are maintained by the
19 Office of Inspector General are cases that we pay more
20 attention to. We want to know how the case is proceeding
21 because obviously we're not handling the investigation so it's
22 something that we have to kind of track and make sure that
23 we're aware of -- of where the case is going to the extent
24 possible.

25 Q. And what is your understanding of how those cases came to

1 credits and the appropriate calculation of those.

2 If they -- if the email gave rise to allegations of
3 misconduct, we would review it just like we receive any
4 referral and we would open a case as appropriate.

5 **Q.** And so if a case were opened and referred to OIG, is it
6 possible then that an allegation that came through the task
7 force email box could be investigated by a local agent at the
8 direction of OIG?

9 **A.** So the local agents don't work for OIG. So, no, the local
10 agent would not be -- would not be handling an investigation
11 unless it was deferred by OIG and then released by my office
12 to the local agent specifically.

13 **Q.** And maybe I misspoke. Not handling the investigation, but
14 assisting in the collection of evidence and other information
15 for OIG to investigate or build a case?

16 **A.** Of course, yes. In that kind of assisting role, yes, the
17 local investigator could be involved.

18 **Q.** And what happened with that task force email box?

19 **A.** We kept the email box active for, I believe it was seven
20 to eight months after our visit to Dublin. And we
21 discontinued it when it became apparent through the pattern of
22 emails that -- that there were not emergent issues, that there
23 was -- there was not widespread retaliation allegations, there
24 was not allegations of mistreatment, and most of the
25 complaints that we were receiving, as I mentioned, they were

1 First Step Act issues, they were points calculations issues,
2 and they were issues that needed to be handled through
3 communication with local staff.

4 And the email box at some point became a bit of an
5 impediment to good communication between the population and
6 the leadership at the local level.

7 Q. Was the closing of the task force email box communicated
8 to the inmates?

9 A. Yes. To the best of my knowledge, it was.

10 MS. MATTIOLI: I have no further questions.

11 THE COURT: Cross.

12 CROSS-EXAMINATION

13 BY MR. NIMNI:

14 Q. Good morning, Ms. Reese.

15 MR. NIMNI: Also I think you might have left your
16 phone up here.

17 Q. Good morning, Ms. Reese. My name is or Oren Nimni. I
18 represent the plaintiffs.

19 A. Good morning.

20 Q. I'm just going to ask you a few questions.

21 Who is the OIA officer assigned to FCI Dublin?

22 A. We have two special agents that are assigned to -- to FCI
23 Dublin. Is that what you mean?

24 Q. Sure.

25 A. Okay. Right now one of those positions is vacant and is

1 pending a report date from a newly selected agent. And the
2 other one is Agent Joshua Brown.

3 Q. Joshua Brown?

4 A. Yes.

5 Q. And how long has that first position been vacant?

6 A. I believe -- I believe the previous agent departed in
7 November.

8 Q. And who was that previous agent?

9 A. His name was Carl Kuznecow.

10 Q. And are those special agents on site at FCI Dublin?

11 A. Yes, they are.

12 Q. On -- at the facility?

13 A. Yes.

14 THE COURT: You said Carl...?

15 THE WITNESS: Yes, Your Honor. Carl Kuznecow.

16 THE COURT: How do you spell that? Your best guess.

17 THE WITNESS: K-U-Z-N-E-C-O-W.

18 BY MR. NIMNI:

19 Q. And how long has OIA had on-site special agents at FCI
20 Dublin?

21 A. Those special agents were newly created positions after
22 the -- after the task force visit in March of 2022. So at
23 that point, in March of 2022, we started the process of
24 creating the positions, posting them, filling them.

25 Q. And is there -- who is the on-site OIA investigator at FCI

1 discussed with Ms. Mattioli that you hadn't recently received
2 any reports of freestanding retaliation; is that correct? I
3 don't want to misstate your testimony.

4 **A.** No, I didn't say that.

5 **Q.** Have you received recent reports of freestanding
6 retaliation out of FCI Dublin?

7 **A.** We have some small number of open cases into allegations
8 of retaliation, yes.

9 **Q.** And how many would you say?

10 **A.** Fewer than five.

11 **Q.** And what types of retaliation?

12 **A.** I couldn't say with certainty.

13 **Q.** And how many of those similar cases did you have in 2022?

14 **A.** I -- I really couldn't say.

15 **Q.** And I believe you stated to Ms. Mattioli that if the
16 behavior complained about in a complaint of retaliation was
17 allowed by policy, that that would not rise to the level of
18 misconduct categorically; is that correct?

19 **A.** Generally speaking, yes. I mean it's -- it really depends
20 on -- an allegation can come in in a thousand different ways
21 and capture it and described in a thousand different ways. So
22 we are tied to the information that we receive.

23 If what we receive is an allegation that something
24 happened that is consistent with policy, but the complainant
25 is alleging that what is consistent with policy was done for a

1 retaliatory reason, there's nothing for us to investigate
2 because what happened is consistent with policy.

3 Q. But you would agree that things can happen that are
4 consistent with policy and be retaliatory, correct?

5 A. I -- anything is possible.

6 Q. For example, if it's policy to strip search someone after
7 a visitation but only some people are strip searched and some
8 people aren't, even though the strip search is consistent with
9 policy, that could still be retaliation, correct?

10 A. Anything is possible, but I -- I don't know how we would
11 identify that this behavior that is consistent with policy and
12 in fact required by policy is -- is somehow improper.

13 Q. So OIA would not investigate those cases?

14 A. It's unlikely.

15 THE COURT: Well, you've heard the term -- you're an
16 employment lawyer, right?

17 THE WITNESS: Yes, Your Honor.

18 THE COURT: So you know that policies can exist and
19 be enforced in an inconsistent way which could be retaliatory.

20 THE WITNESS: Yes, Your Honor.

21 THE COURT: And that's -- that's the point.

22 THE WITNESS: Yes.

23 THE COURT: And there are, in fact, documents that
24 could be looked at to determine whether or not a policy is
25 being enforced against some but not others. And you chose not

1 to investigate as an employment lawyer?

2 **THE WITNESS:** We've not received allegations that
3 some are being searched and some are not. What I was speaking
4 to was would we open a case where the allegation was this
5 is -- this thing that is consistent with policy, this search
6 that is consistent with policy is happening for an improper
7 reason.

8 **THE COURT:** You understand those are the allegations
9 here?

10 **THE WITNESS:** I understand that they're being raised
11 now. We've not -- to the best of my knowledge, my office has
12 not received any such allegations.

13 **THE COURT:** And these allegations were raised back in
14 August. Have you done anything to look at it since August?

15 **THE WITNESS:** I didn't receive anything in August.

16 **THE COURT:** When did you learn -- the allegations in
17 this case were filed on the docket in August. When did you
18 learn about them?

19 **THE WITNESS:** During discussions with the attorneys
20 this week.

21 **THE COURT:** So no one bothered to tell you that those
22 allegations had been raised back in August?

23 **THE WITNESS:** I was unaware that these proceedings
24 were ongoing in August, Your Honor. I oversee all of our
25 institutions across the country.

1 Q. Would that involve a housing reassignment if it was
2 inmate-on-inmate?

3 A. If it's inmate-on-inmate, the alleged perp would be
4 reassigned. The alleged vic would not be reassigned.

5 Q. And how do you safeguard an inmate if it's
6 staff-on-inmate?

7 A. If the staff member is still working and inside the
8 facility, if it's -- whether it's correctional officer or
9 another department, we would look at the allegations. And if
10 it is something especially of sexual contact, physical sexual
11 contact, the staff member would be placed on admin leave. The
12 inmate's job assignment or housing assignment would not
13 change.

14 Q. And once the staff member is placed on admin leave, then
15 what would you do with the report? Where does it go?

16 A. The referrals -- all referrals for staff misconduct, I
17 prepare them. The Warden will sign them. And then I will
18 send them to Office of Internal Affairs and to OIG.

19 Q. Can you send referrals -- or could you as an SIS send
20 referrals without the Warden's signature?

21 A. Yes.

22 Q. So you said that you were not aware that the staff sexual
23 abuse was occurring when it was occurring?

24 A. No. I was not. I -- I had no idea what was going on.

25 Q. Did you have a feeling something was going on?

1 inmates as I have and trying to elicit the information from
2 them to address possible sexual abuse that has been going on,
3 knowing what I've done personally to try to address the staff
4 misconduct as a whole, it is rather alarming to read
5 allegations of that nature. And I also referred that to OIG
6 and OIA as well.

7 **THE COURT:** What did you refer?

8 **THE WITNESS:** The allegations she just mentioned.

9 **THE COURT:** So when you -- when did you read those?

10 **THE WITNESS:** Two to three weeks ago, Your Honor.

11 **THE COURT:** Okay. So you read them a couple weeks
12 ago and then you sent those to...?

13 **THE WITNESS:** OIA and OIG.

14 **THE COURT:** Okay.

15 **BY MS. MATTIOLI:**

16 **Q.** And when you said you read them, what did you read?

17 **A.** I was reading the declarations as a whole. The primary
18 purpose at the time was to identify the inmates who were
19 involved and mentioned, and that's what my part was in
20 identifying. And I also provided information as to who those
21 particular inmates actually reported the initial allegations
22 to as well.

23 **Q.** So you took the -- the declarations and sent them to OIA
24 and OIG? Or passed them along, forwarded them in some way?

25 **A.** Yes.

1 **A.** That would have been Tom Miller. He was in the regional
2 office. But I've -- since August, I didn't -- I didn't get a
3 complete yearly eval.

4 **Q.** Who is the ombudsman at Dublin?

5 **THE COURT:** What's the time frame?

6 **BY MR. GALVAN:**

7 **Q.** As of Friday when -- your last day at work.

8 **MS. MATTIOLI:** Your Honor, I'm going to object to the
9 assumption in the question that there is an ombudsman at
10 Dublin.

11 **THE COURT:** Is there one?

12 **MS. MATTIOLI:** I don't think he understands the
13 question.

14 **THE COURT:** Is there an ombudsman?

15 **THE WITNESS:** Is there another title that it may be?

16 **BY MR. GALVAN:**

17 **Q.** The only title that I'm asking about is ombudsman. Is
18 there an ombudsman now at Dublin, or on Friday when you left?

19 **THE WITNESS:** I do -- I do not know.

20 **THE COURT:** You're not aware of someone with that
21 title?

22 **THE WITNESS:** No, ma'am.

23 **BY MR. GALVAN:**

24 **Q.** When I refer to Dublin, can we agree that I'm referring to
25 the prison and the camp together?

1 A. Yes. Yes.

2 Q. Thank you.

3 As of Friday, on your last day, who was your team? Who
4 was the team in SIS? Can you tell me their positions and
5 their names?

6 A. In -- in my office, I'm -- I was the sole SIA at FCI
7 Dublin once my position converted to Office of Internal
8 Affairs. In SIS, that's assigned to the institution.

9 Q. If I could stop you for a moment. Just focusing for a
10 moment on SIA in your -- your position, who reported to you as
11 SIA?

12 A. Nobody reported to me.

13 Q. Okay. So in order -- the SIA had no technicians?

14 A. No.

15 Q. Okay.

16 So the -- you -- to get your work done, there was just
17 you. Is that right?

18 A. Yes.

19 Q. As of Friday, did you have a backlog of cases to
20 investigate as SIA?

21 A. Yes.

22 Q. And what was the size of that backlog?

23 A. I think it was somewhere around 45 cases maybe.

24 Q. Now shifting to the SIS, when you left on Friday, who was
25 the SIS Lieutenant?

1 Q. Is it your understanding that in every instance where a no
2 referral decision is made, a fact-finding memo is written?

3 A. Ones that I'm aware of, yes, there have been fact-finding
4 memos written.

5 Q. Is that a matter of -- to your knowledge, is it a matter
6 of policy that a fact-finding memo must be written when no
7 referral is made?

8 A. Myself -- myself, I would rather refer it and refer the
9 video and let it go through the whole process rather than the
10 fact-finding memo.

11 THE COURT: Does this document have a time frame
12 within which you must report back?

13 THE WITNESS: No, ma'am. With the inmate-on-inmate
14 allegations, SIS is required to have those investigations
15 completed within 30 days. And if they can't get them done in
16 30 days, we have to request an extension on the investigation.

17 So those are usually done within that time frame. And at
18 the conclusion of it and upon the case being closed, the
19 inmate would be notified. And then all documentation from the
20 initial allegation on the safeguarding of inmate, all the way
21 to the institution exec staff review would be put into
22 TRUINTEL in that inmate's file pertaining to that particular
23 case.

24 THE COURT: Do you track how many complaints are made
25 about a particular individual, whether inmates or staff? So

1 **A.** I would -- if a -- when the held A and O.

2 **Q.** What's A and O, sir?

3 **A.** Admission and orientation, which is set up by the
4 counselors to -- for all the new inmates to be advised of the
5 institution expectations and correctional services, that the
6 Captain sometimes would have me go in there and sometimes he
7 would just explain who SIS is. So they -- that's the first
8 way they would get it.

9 And then it would be followed up by when I would make
10 rounds in the units, when I would stand main line and when I
11 would communicate with inmates.

12 **THE COURT:** How much more do you have? This is not a
13 deposition, I will remind the plaintiffs.

14 **MR. GALVAN:** I can wrap up in two questions, Your
15 Honor, which would take five minutes.

16 **Q.** Going back to the -- your work determining the identities
17 of the people who gave declarations in this case, did you ever
18 receive confirmation back of the full names to confirm that
19 your identifications were correct?

20 **THE COURT:** From whom? From his attorneys --

21 **MR. GALVAN:** From anyone.

22 **THE COURT:** -- which may be covered by the
23 attorney-client privilege.

24 **BY MR. GALVAN:**

25 **Q.** From anyone other than your attorneys.

1 **A.** I discussed some of it with the chief psychologist who was
2 also in the loop with -- with all of it.

3 **Q.** The chief psychologist is Dr. Mulcahey?

4 **A.** Yes.

5 **Q.** And did Dr. Mulcahey confirm to you that your
6 identifications were correct?

7 **A.** She -- I sent -- I just let her know that, you know, I
8 think there was one that had been given the wrong name that I
9 had addressed. And that was basically it. I just sent the
10 list back with the names.

11 **MR. GALVAN:** No further questions, Your Honor. Thank
12 you.

13 **THE COURT:** Redirect?

14 **MS. MATTIOLI:** Very briefly, Your Honor.

15 And if I could put on the record for the deputy clerk and
16 the marshals, we're ready for our first inmate. If that's
17 going to take a few minutes, we could start --

18 **THE COURT:** We've already been communicating on that.

19 **MS. MATTIOLI:** Okay. Thank you.

20 **REDIRECT EXAMINATION**

21 **BY MS. MATTIOLI:**

22 **Q.** Mr. Putnam, if you did not make a recommendation that a
23 staff member be placed on leave, could the executive team
24 still place that person on -- on administrative leave?

25 **A.** Yes.

1 sexual assault or sexual misconduct of any nature?

2 **THE WITNESS:** None of the local investigations that
3 have been deferred by OIG and OIA and sent back to the
4 institution for local investigation, none of those are in any
5 way, shape, form or fashion associated with sexual abuse.
6 Those are completely different allegations.

7 **THE COURT:** So this backlog of 45 cases, they've been
8 to OIG and then they've come back to you?

9 **THE WITNESS:** OIA.

10 **THE COURT:** OIA.

11 **THE WITNESS:** OIG and OIA in some cases.

12 **THE COURT:** So the 45 cases that you had, they've
13 already been sent out to OIA or OIG --

14 **THE WITNESS:** Yes, ma'am.

15 **THE COURT:** -- for review and then sent back --

16 **THE WITNESS:** Yes. They --

17 **THE COURT:** -- to the local.

18 **THE WITNESS:** They have all been deferred back to the
19 local level, yes.

20 **THE COURT:** Is that a new process, that is, if there
21 is something -- is there now some loop that happens where
22 anything that gets filed gets sent out, back to someone else,
23 and then returned locally?

24 **THE WITNESS:** No. It's always been that way.
25 However, depending on the severity. Okay. All these sexual

1 abuse cases are criminal. So they're OIG. OIG will take
2 those and they'll do the investigation.

3 If it's not criminal, OIG will normally kick it back to
4 OIA, and OIA can then make a determination whether they want
5 one of their OIA agents to do the investigation or if they
6 want to defer it back to the local level for investigation.

7 **THE COURT:** Okay. So the nature of that backlog,
8 is -- the nature of those cases --

9 **THE WITNESS:** Noncriminal.

10 **THE COURT:** Noncriminal but give me topics. What do
11 those --

12 **THE WITNESS:** They could range in anywhere from
13 unprofessional conduct, some of the retaliation, the DWIs, use
14 or abuse of illegal drugs, failure to follow supervisor's
15 instructions, failure to follow policy, misuse of government
16 credit card, misuse of government travel card, things like
17 that that are a lower, what we consider class 3 offenses.

18 **THE COURT:** One of the complaints that has been made
19 or concerns that have been made, as you read in the
20 declarations, was a reluctance on the part of inmates to tell
21 you their concerns.

22 **THE WITNESS:** Yes.

23 **THE COURT:** What, if anything -- I mean you had been
24 there since 2016.

25 **THE WITNESS:** Right.

1 you arrived.

2 **A.** One of the implementations was me specifically. My -- my
3 direct oversight of the satellite camp. So one of the
4 assessments was the lack of supervision at the satellite camp.
5 So my specific role and place was that, and that was
6 implemented, and here -- here I am with you all today.

7 **Q.** Lucky you.

8 **A.** Yes.

9 **Q.** So, Morgan, I want to switch topics.

10 **A.** Okay.

11 **Q.** So you were brought on as part of a wave of new staff at
12 Dublin in 2022; is that right?

13 **A.** That's correct.

14 **Q.** Who else started in 2022?

15 **A.** So I can speak for July of 2022 specifically. I mean
16 Warden Jusino, now retired, came to Dublin in February of '22.
17 But in July of 2022, I onboarded. Captain Quezada was on
18 board. Captain Valero was on board maybe at the end of June
19 of '22. And also Acting Warden Deveney.

20 **Q.** So those are members of the executive team; is that
21 correct?

22 **A.** That's correct.

23 **Q.** Were other department heads also replaced.

24 **A.** Yes. So August of '22 is when essentially the mass shift
25 of department heads out of FCI Dublin took place, August 14th

1 2022.

2 Also on board Associate Warden, now retired, Tammy Robles
3 was on board in May of '22. And now retired Associate Warden
4 Beth Buckner was on board in August of 2022.

5 Q. And what is your understanding of why all of those
6 positions were changed?

7 A. All of the positions for the executive staff?

8 Q. And the department heads?

9 A. And the department heads? To help with the -- the work of
10 the cultural change. They wanted to have a new fresh set of
11 oversight. And the wealth of knowledge and experience that
12 each of us provides was significant for the staff training
13 that was necessary and the -- the oversight.

14 Q. Are you the administrative remedy coordinator?

15 A. Yes, I am.

16 Q. Is that another collateral duty?

17 A. That is another collateral duty, yes. I apologize for
18 forgetting that.

19 Q. So what -- so in that role, do you also process -- what
20 else do you process in that role?

21 A. Sure. So administrative remedies are, you know, an
22 integral part of every institution BOP-wide. And it's not
23 just at the institution level. It goes regional and all the
24 way to central office.

25 And so as the administrative remedy coordinator, I am the

1 specifically PREA or staff misconduct or food service or
2 medical programming, there would be a range of complaints.

3 As far as a trend is concerned, I don't really think there
4 has been a specific shift other than, you know, an increase, I
5 suppose, because they're being responded to. And they know
6 that they're being responded to.

7 So I mean it even goes to discipline, inmate discipline.
8 If they want to appeal a sanction, they can utilize that
9 system.

10 **Q.** So what would be the most appropriate way for an inmate to
11 report a PREA allegation? Do they use the administrative
12 remedy process for that?

13 **A.** Absolutely. There are many ways an individual can report
14 a PREA allegation or staff misconduct.

15 I'd like to -- to make a very -- a good point about my
16 arrival and how there was formerly a task force email. The
17 task force email was one that was monitored by central office
18 because they too during their visit to Dublin found that
19 inmates were not being responded to. They weren't being
20 responded to timely.

21 So the task force email box was created in approximately
22 March of '22. But right around the time we became caught up
23 with all the administrative remedies, the task force mailbox
24 was closed the first week of November.

25 And I'm getting excited about talking about that because

1 that showed our hard work from July to November was already
2 paying dividends. People in custody were seeing that they
3 were being responded to and they were being responded to
4 timely.

5 And so we no longer needed the oversight. Central office
6 said, hey, FCI Dublin, you're doing a great job responding.
7 They were no longer getting allegations about staff misconduct
8 or PREA.

9 The -- the mailbox essentially was getting questions about
10 how do I get my FSA. And they then deferred that to the local
11 facility, you know, for response.

12 Q. And just for the record, what is FSA?

13 A. First Step Act.

14 Q. And why would an inmate be inquiring about that?

15 A. First Step Act is great for them because they can earn
16 credit toward early release essentially.

17 Q. And what sorts of things can they do to earn this credit?

18 A. Their programming for one. Absolutely. EBBRs, evidence
19 based, you know, programming. RDAP, Resilient Drug Abuse
20 Program.

21 Unfortunately we don't have RDAP at FCI Dublin, but that
22 doesn't preclude any inmate who's eligible for RDAP for
23 participating. We just simply prepare their transfer to
24 another facility like Phoenix, for example. That's another
25 camp. Or, you know, any FCI facility that has RDAP.

1 just have some -- some questions.

2 I read in your declaration that FCI Dublin now has
3 385 cameras online and recording. Is that true?

4 A. Yes.

5 Q. Are the video feeds from those cameras monitored in real
6 time?

7 A. Yes.

8 Q. So there's -- there's a person sitting at a desk watching
9 those video feeds?

10 A. It's recording in real time.

11 Q. But is a person watching it in real time?

12 A. All 385 cameras?

13 Q. That's my question.

14 A. I wouldn't be able to answer that. The control center
15 officer monitors cameras in the control center.

16 Q. That's one person?

17 A. Yes.

18 Q. Okay.

19 THE COURT: Well, there aren't 385 screens.

20 THE WITNESS: Right.

21 THE COURT: Are there?

22 THE WITNESS: No, ma'am. No, Your Honor.

23 THE COURT: So how many screens are there?

24 THE WITNESS: I --

25 THE COURT: Approximately?

1 **THE WITNESS:** Maybe three to four screens.

2 **THE COURT:** And how does it cycle through the
3 385 cameras?

4 **THE WITNESS:** I can't answer that question, Your
5 Honor.

6 **THE COURT:** Okay.

7 **BY MR. ANDERSON:**

8 **Q.** You stated in your declaration that there are no cameras
9 inside the Dublin staff offices; is that right?

10 **A.** Correct.

11 **Q.** Are you aware that at least two of the plaintiffs in this
12 case are alleging that they were sexually abused inside of the
13 FCI staff offices?

14 **A.** Can you repeat your question?

15 **Q.** Are you aware that at least two of the plaintiffs in this
16 case are alleging that they were sexually abused in the Dublin
17 staff offices?

18 **A.** No. I am -- I wouldn't -- I'm not privy to certain
19 complaints if I'm not aware of it myself.

20 **Q.** You didn't read that in the declarations that they
21 submitted in this case?

22 **A.** The individual -- if this is what you're asking as far as
23 the compound office; is that what you're asking?

24 **Q.** That's right.

25 **A.** That one? That's what I'm aware of, yes.

1 Q. So I'm unclear on your answer. You are aware of those
2 allegations?

3 A. Yes.

4 Q. Despite your awareness of those allegations, you have not
5 installed any cameras in the Dublin offices, correct?

6 A. Correct.

7 Q. I'd like to pull up your -- your declaration. That's at
8 Exhibit 45 if you want to turn to it in your binder, or we
9 will have it on the screen for you.

10 A. Whatever's easier.

11 (Exhibit published.)

12 BY MR. ANDERSON:

13 Q. So specifically just first, do you recognize this as your
14 declaration, Ms. Agostini?

15 A. Yes.

16 MR. ANDERSON: Your Honor, we would move to admit
17 Exhibit 45.

18 THE COURT: Forty-five is admitted. It's already
19 part of the docket. But I'll admit it here.

20 (Plaintiffs' Exhibit 45 received in evidence.)

21 MR. ANDERSON: Thank you, Your Honor.

22 Q. I'd like to turn to page 13 of your declaration.

23 A. Okay.

24 (Reviewing document.)

25 Okay. Yes.

1 **THE COURT:** Okay.

2 You're not released. Tomorrow, we're going to have all
3 the inmates so someone will tell you whether or not you're
4 going to be on standby. Okay.

5 **THE WITNESS:** Yes, Your Honor. Thank you.

6 **THE COURT:** You can step down.

7 All right. We're adjourned for the day. I'll talk to you
8 at sidebar.

9 (Proceedings were concluded at 3:59 P.M.)

10 --o0o--

11
12
13 **CERTIFICATE OF REPORTER**

14
15 I certify that the foregoing is a correct transcript
16 from the record of proceedings in the above-entitled matter.
17 I further certify that I am neither counsel for, related to,
18 nor employed by any of the parties to the action in which this
19 hearing was taken, and further that I am not financially nor
20 otherwise interested in the outcome of the action.

21
22 *Raynee H. Mercado*

23 Raynee H. Mercado, CSR, RMR, CRR, FCRR, CCRR

24 Thursday, January 4, 2024

25
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Volume 3

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Yvonne Gonzalez Rogers, Judge

CALIFORNIA COALITION FOR WOMEN)
PRISONERS, ET AL.,)

Plaintiffs,)

VS.)

NO. CV 23-04155-YGR

UNITED STATES OF AMERICA)
FEDERAL BUREAU OF PRISONS,)
ET AL.,)

Defendants.)

Oakland, California
Friday, January 5, 2024

EVIDENTIARY HEARING

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Official Reporter

1 Q. Sorry. Continue. What happened after he started giving
2 you these notes and giving you these gifts in March of 2022?

3 A. Everything kind of escalated quickly. By March 23rd, he
4 asked me to go to the yard office, and he made sure that the
5 second officer on shift was doing a perimeter walk so he wasn't
6 around. And he took me into the yard office, and that was the
7 first time he kissed me and groped me.

8 Q. I know this is difficult to talk about, but did he
9 continue to have physical contact with you after that?

10 A. Yes.

11 Q. Can you tell me about that?

12 A. So he would make sure to try to like work my unit. There
13 was an incident where he waited until I was outside the shower
14 and came to my room when I was fully naked.

15 There were -- every weekend he would take me on trash runs
16 because there was no cameras by the dumpsters and that's where
17 he would give me notes and where he would kiss me.

18 Q. How did you know that there were no cameras by the
19 dumpsters?

20 A. Because I worked CMS. And he told me that there was no
21 cameras there. And he would tell me that like where there was
22 blind spots like even in the units.

23 Q. And you talked about an instance where he came and visited
24 you right after you got out of the shower and you were
25 completely naked. Can you tell me what happened then?

1 over, like, the recorded calls because of everything is being
2 recorded. And I asked her to come see me so I can tell her,
3 but she can't. Now that my dad passed, she can't come see me.

4 **THE COURT:** Where is she located?

5 **THE WITNESS:** My mom's in Phoenix, Arizona.

6 **THE COURT:** And you -- and the lawyers haven't told
7 her either? You haven't authorized your lawyers to tell her?

8 **THE WITNESS:** I authorized my compassionate release
9 attorney to talk to her, and she cut off communication as far
10 as I'm aware.

11 **THE COURT:** Your mom cut off communication?

12 **THE WITNESS:** Yes. With -- with COT.

13 **THE COURT:** With the compassionate release attorney?

14 **THE WITNESS:** Like the compassionate release attorney
15 reached out, and so she cut off, like, everything with the COT.
16 Yes, but he still works at her job, like where she works.

17 **THE COURT:** Is it a big company, a little company?

18 **THE WITNESS:** At the VA hospital.

19 **BY MR. NIMNI:**

20 **Q.** And Sheilla, you were talking about your compassionate
21 release attorney. Are you currently putting together an
22 application for compassionate release?

23 **A.** Yes.

24 **Q.** Has the situation with Officer Gacad had any impact on
25 your formulation of your petition?

1 **A.** Yes, because I don't have a release plan due to that I
2 can't go to my mom's house because he was there.

3 **Q.** And turning back to FCI Dublin --

4 **THE COURT:** I don't understand that. He -- because he
5 visited your mom, you can't -- it's not -- that release plan
6 isn't -- can you -- sorry. Can you explain that to me?

7 **THE WITNESS:** So from my understanding is my
8 compassionate release attorney said that it wouldn't be
9 beneficial to me to go to my mom's house, my mom's address,
10 because he was there, and I had -- there was a video visit with
11 him there and he knows where she is and he moved there. He
12 moved from here to Arizona. So he lives there now.

13 And so my compassionate release attorney doesn't think
14 that it would be the right thing, you know, to be in the same
15 area as him or in the same space as him. Which I understand,
16 and I'm seeking for a fresh start anyways. This is too much.
17 So I'm okay with it, but it is difficult because -- because my
18 mom's all I have.

19 **THE COURT:** And you don't have any other family?

20 **THE WITNESS:** My sister's husband is in the military
21 and they're currently stationed in Germany, so that's out of
22 the question. And my brother is currently serving in the Army
23 as well, and he is stationed in the Philippines, so that's out
24 of the question.

25 **THE COURT:** I see.

1 **MR. NIMNI:** And, apologies, Your Honor. Did you have
2 another question?

3 **THE COURT:** No. Go ahead.

4 **BY MR. NIMNI:**

5 **Q.** And, Sheilla, did you eventually report Officer Gacad?

6 **A.** Yes.

7 **Q.** When was that?

8 **A.** I reported -- well, so after the video visit -- I'm sorry.

9 I have to -- for you to follow the timeline, I saw Putnam in
10 June. He called me back in July.

11 **Q.** Uh-huh.

12 **A.** With Dena Crow from OIG, and he asked me about Delacruz on
13 my contact list.

14 **Q.** Uh-huh.

15 **A.** And I just looked at -- at Putnam, and I -- I didn't -- I
16 didn't know if I could trust Dena or not at that point because
17 this is the first time I've ever seen her before.

18 **Q.** And did you trust Lieutenant Putnam?

19 **A.** No. And --

20 **THE COURT:** Why?

21 **THE WITNESS:** Because I've seen him do, like, things
22 to other people that -- like they trusted him, and he, like,
23 sent them to the SHU or he ignored them.

24 So when I went in there, I was like I didn't want to talk
25 to him. I wanted -- at that point I wanted to speak to an

1 attorney. And so he sent me to the SHU.

2 **BY MR. NIMNI:**

3 **Q.** And when was this?

4 **A.** This was in July, like the last weeks of July. He sent me
5 to the SHU. And this was on a Friday. And he told me that if
6 he did not come back on Monday, that there was a good chance I
7 was going to get shipped out.

8 And he didn't come back on Monday. So I sat there and sat
9 there. And then he came back and he pulled me out. He asked
10 me if I wanted to talk to him.

11 And I just told him, like, sir, I've never been a problem
12 on your compound. Like I don't understand what the issue is.
13 Like why am I even in the SHU. He gave me three different
14 reasons. He told me I was there --

15 **Q.** What were those three reasons?

16 **A.** Under investigation. Then he said he had to look through
17 my property. And then he told me that it was for my safety.

18 So I asked him, I said, well, what do you mean? Like now
19 that you're taking me to the SHU, like now people are going to
20 wonder why I'm here. So he held me there until August 10th.

21 **Q.** And how long was that approximately?

22 **A.** Like two weeks I was sitting there.

23 **Q.** And --

24 **THE COURT:** Were you bunking with someone at the time?

25 **THE WITNESS:** I was actually with the orderly of the

1 SHU. And so she asked me why I was there, and I told her that
2 I was under investigation. I didn't really want her to know my
3 business.

4 So the officers that would come on shift would ask her
5 like, hey, has she said anything to you? Like, why is she back
6 there? Like, why can't she use the phone? Why do we always
7 have to ask SIS to give her anything? Like, what happened with
8 her?

9 So my bunkie was like curious. But by the time I got out
10 of the SHU, like, they had already -- all the inmates already
11 knew why I was there.

12 **BY MR. NIMNI:**

13 **Q.** And were you ever informed -- to the best of your
14 knowledge, were you in the SHU for a disciplinary reason?

15 **A.** No. But it felt that way.

16 **Q.** And what were the conditions like for you in the SHU?

17 **A.** They were terrible. The SHU is terrible. That -- that
18 was the second time I was there, but the SHU is bad. They --
19 they don't give you any hygiene, they don't allow you to
20 purchase any hygiene. It's -- you ask for a roll of toilet
21 paper, they ask you to wait for the next shift.

22 **Q.** And how did -- how was your mental health after your
23 experience in the SHU?

24 **A.** It's deteriorating as the time goes on.

25 **Q.** And after this reporting incident with Officer Putnam, how

1 walked off?

2 **MS. CZIOK:** Objection. Foundation.

3 **THE COURT:** Did you see him walked off?

4 **BY MR. NIMNI:**

5 **Q.** When did you observe Officer Sousa --

6 **THE COURT:** Did you see?

7 **BY MR. NIMNI:**

8 **Q.** Or did you see --

9 **A.** Did I see him?

10 **MR. NIMNI:** Apologies, Your Honor.

11 **THE COURT:** Did you see him walked off?

12 **THE WITNESS:** No, ma'am.

13 **THE COURT:** Foundation. It's important.

14 **MR. NIMNI:** Yes, Your Honor.

15 **Q.** Does Officer Sousa still work there?

16 **A.** Not that I'm aware of.

17 **Q.** What happened to you after Officer Sousa no longer worked
18 at CMS with you?

19 **THE COURT:** Well, I need timing. When did you notice
20 that he didn't work there?

21 **THE WITNESS:** So it was fairly quickly. I went to
22 work -- I showed up to work at -- we would go to work at 6:15
23 and --

24 **THE COURT:** Month, year?

25 **THE WITNESS:** This was in August, September of 2023.

1 **THE COURT:** Okay. August or September of 2023.

2 **THE WITNESS:** Uh-huh.

3 **THE COURT:** And you go to work. You're still working
4 with him, and then you go --

5 **THE WITNESS:** Yeah. Okay. So he got a promotion. He
6 would work the tool room, and he got a promotion as a general
7 maintenance foreman. So because I was HVAC, my boss was in the
8 process of retiring. So my boss would always tell me like if
9 Sousa needs you, like, help him out, you know.

10 And I knew the tool room because of COVID. So I worked
11 side by side -- Mayhood which was from HVAC, and Sousa from
12 tool room and general maintenance. And they had asked me to
13 take -- when my boss left, they asked me if I wanted to stay on
14 HVAC or I wanted to take over the tool room position.

15 And so I was in the process of deciding what I wanted to
16 do, but when I showed up to work to train for the tool room,
17 that's when I found out, because they told me, like, he's not
18 here anymore, he got walked off, and you're the reason why, so
19 we don't want you in the tool room anymore.

20 **THE COURT:** I see.

21 **BY MR. NIMNI:**

22 **Q.** And what else did you experience after this?

23 **A.** There was just a lot of, like, comments and a lot of,
24 like, bullying. So --

25 **THE COURT:** By the way, who told you that, that you

1 couldn't have that job?

2 **THE WITNESS:** Padilla, Officer Padilla.

3 **THE COURT:** And is Padilla still there?

4 **THE WITNESS:** He is the tool room officer.

5 **THE COURT:** Okay. And is Padilla male or female?

6 **THE WITNESS:** Male.

7 **THE COURT:** Is Vasquez male or female?

8 **THE WITNESS:** Female.

9 **THE COURT:** Okay. Continue.

10 **BY MR. NIMNI:**

11 **Q.** And do you still work at CMS?

12 **A.** No. I quit after -- like two weeks after Sousa was gone.
13 It was -- it was too much for my mental, so I ended up quitting
14 my job.

15 **Q.** Did you like that job?

16 **A.** I loved that job.

17 **Q.** Were you good at that job?

18 **A.** Yes.

19 **Q.** Why did you quit?

20 **A.** It all became too much. Like my mental health, it's not
21 okay. And so there was days that before everything with --
22 when Sousa -- before Sousa, I would go to CMS to get away from
23 my situation with, like, Gacad, with my dad passing. I would
24 go to work and I would distract myself from my reality. But
25 then it followed me there.

1 **A.** Yes.

2 **Q.** And have you ever been strip searched following a visit
3 from your lawyer?

4 **A.** Recently, yes. But not in the beginning.

5 **Q.** When did those start?

6 **A.** They started after we filed the lawsuit.

7 **THE COURT:** Has anyone explained to you that that's
8 BOP policy?

9 **THE WITNESS:** Now they do.

10 **BY MR. NIMNI:**

11 **Q.** And did that happen to you before in the eight years that
12 you've been at FCI Dublin?

13 **A.** No.

14 **Q.** In your eight years at FCI Dublin -- strike that.

15 Have you experienced a significant reduction in sexual
16 harassment personally since January of 2022?

17 **A.** No, because mine started in March of 2022.

18 **Q.** And have you experienced personally an increase or
19 decrease in use of the SHU --

20 **A.** An increase.

21 **THE COURT:** So that doesn't -- okay. Explain what you
22 mean by that because he hadn't finished his question.

23 **THE WITNESS:** I see people go to the SHU every day
24 now, and I didn't see that before.

25 **THE COURT:** Okay. That wasn't his question.

1 **THE WITNESS:** Because it's not -- you're not in a
2 private location. It's in a very open area, so the next person
3 can read your email.

4 **THE COURT:** Are there always people at the computers?

5 **THE WITNESS:** Yes.

6 **THE COURT:** When are the computers available?

7 **THE WITNESS:** They are available at 6:00 a.m. until
8 3:30. And then they turn back on at 4:30 until 8:30 Monday
9 through Friday. And on the weekends, they're available from
10 6:00 a.m. until 9:30 because there's 10:00 count. And then
11 they turn back on at 10:30 until 3:30, and then from 4:30 to
12 8:30 p.m.

13 **THE COURT:** How many computers are there?

14 **THE WITNESS:** In F unit, there is five computers for
15 approximately 200 inmates.

16 **THE COURT:** Are they timed?

17 **THE WITNESS:** Yes. I think you're allowed to be on
18 them, if I'm not mistaken, for 30 minutes at a time. And you
19 can log on every 30 minutes.

20 **THE COURT:** And the -- do they have privacy screens?

21 **THE WITNESS:** Yes, but the setting is -- on the screen
22 is so bright that you can see past the privacy screen. And
23 we -- we're not allowed to touch -- like to adjust any of that.

24 **THE COURT:** Has anybody -- have you told people that
25 if they change the brightness, that would allow it to be more

1 those mics operational, please.

2 **THE CLERK:** Yes, Your Honor.

3 **THE COURT:** All right. We need to take this step by
4 step. The statement is stricken.

5 Go back. And we need -- I can't have her just blurting
6 stuff out. You need to set a foundation for anything she says.
7 Do you understand?

8 **MS. STEIERT:** I understand.

9 **THE COURT:** All right. Go ahead.

10 **BY MS. STEIERT:**

11 **Q.** Roberta, have you had a negative experience with officer
12 Craig?

13 **A.** Yes.

14 **Q.** When was one experience?

15 **A.** After a legal visit, the next day we had a town hall.

16 **Q.** Roberta, can you explain what a town hall is?

17 **A.** It's a unit meeting with like -- it might be
18 administrative staff, a counselor, a staff -- a staff wants to
19 talk to everybody in the unit.

20 **Q.** Okay. Can you tell us when this town hall meeting
21 occurred?

22 **A.** It was recently. It was in the last three months, three,
23 four months.

24 **Q.** And what happened at the town hall?

25 **A.** Mr. Craig was very angry. He was yelling, he was cussing

1 us out, saying if you guys want to go to main line and talk
2 shit about me, you want to go over there and complain about
3 what's not getting done in the unit, I'm not the counselor, I
4 don't have to do that. Well, I tell you how it's going to be
5 around here. And he started threatening us with the mass
6 punishment. And --

7 **Q.** How did you respond?

8 **A.** I raised my hand to speak.

9 And he said, yeah, what is it?

10 And I said, well, Mr. Craig, I'm concerned. I don't
11 understand. Who are you guys? Who did it, and what did they
12 do at main line?

13 And he waved me off. He was like get out of here with
14 that shit. That's what I'm talking about right there. I can't
15 even say anything without you guys getting all sensitive and in
16 your feelings because you want to use your keywords and go to
17 psychology because you know what to say and you know what to do
18 to get attention.

19 **Q.** Do you believe he said that because of his relationship
20 with Dr. Mulcahy?

21 **MS. CZIOK:** Objection.

22 **THE COURT:** It's totally leading.

23 **MS. STEIERT:** I apologize, Your Honor.

24 **THE COURT:** I have warned you all multiple times not
25 to lead. I don't want to hear from you. I want to hear from

1 **A.** Okay. Then they turn to desperate measures. People feel
2 like they do what they need to do to survive.

3 **Q.** What do you mean by that?

4 **A.** I got told -- like I said, they buy their own problems at
5 Dublin.

6 **THE COURT:** They buy their own?

7 **THE WITNESS:** They buy their own problems at Dublin.
8 And when I say like buy their own problems, you create a
9 problem. You make a situation worse.

10 So when instinct survival kicks in and people feel like
11 they do what they need to do in order to survive, so for a bar
12 of soap or extra food out of the kitchen, then you got people
13 putting on sex shows, dancing, twerking, doing whatever to get
14 extra.

15 And if they don't have it, they are going to bring it back
16 and sell it to somebody who can't shop at commissary to get
17 them what they need. Nothing is given to you.

18 If you want to mail out your letters in some certain
19 circumstances, you got to show somebody something.

20 **BY MS. STEIERT:**

21 **Q.** Are you worried about this policy?

22 **A.** Very.

23 **MS. STEIERT:** I move to admit PIX --

24 **THE COURT:** I cannot hear you.

25 **MS. STEIERT:** Sorry. I would like to admit PIX016.

1 all facilities when people meet with the public that they are
2 strip searched?

3 **THE WITNESS:** No. I haven't had very many visits.

4 **THE COURT:** Okay. So no one -- your lawyers didn't
5 explain to you that that's policy at all facilities?

6 **THE WITNESS:** They -- it never happened before so --

7 **THE COURT:** I understand. There are a lot of things
8 at Dublin that weren't done according to policy. You agree
9 with me on that?

10 **THE WITNESS:** Yes.

11 **THE COURT:** Okay. Did anybody tell you that that's
12 policy?

13 **THE WITNESS:** No.

14 **THE COURT:** All right. Proceed.

15 **BY MS. STEIERT:**

16 **Q.** Roberta, how many legal visits have you had in your time
17 at FCI Dublin?

18 **A.** A lot. I can't count them for you.

19 **Q.** Other than the example you just gave and the recent
20 visits, was it usual for you to be strip searched after those
21 legal visits?

22 **A.** No.

23 **Q.** Was there anything else --

24 **THE COURT:** How long did it take, the one you did
25 recently?

1 DOJ sexual abuse mailbox, FCI Dublin has purchased and placed
2 privacy screen protectors on all inmate TRULINCS monitors."

3 Q. Did the computers always have privacy protectors?

4 A. No.

5 Q. When did they install the protectors?

6 A. Around the days of this, right in this time frame. Within
7 days they were up all over.

8 Q. And in your experience, do they actually provide privacy?

9 A. No.

10 Q. Why not?

11 A. Because I -- you can see. Anybody can see.

12 Q. Have you told staff about this problem?

13 A. Yes.

14 Q. Who?

15 A. I told Ms. Gonzalez when she was putting them up. And she
16 said they should do the trick because they paid over a hundred
17 dollars, they cost a lot of money, and that they should do the
18 trick.

19 I told Lieutenant Putnam.

20 Q. What did you tell Lieutenant Putnam?

21 A. I told him that that was a waste, why bother? You can't
22 see -- I mean, you can see right through them. The only way is
23 if a person manipulates the screen and goes like this. Or if
24 I'm standing right here, I for sure, I for sure see screen 1,
25 screen 2. I may not be able to see the third one. It might be

1 accessing his stuff other than him?

2 **THE WITNESS:** I don't know.

3 **THE COURT:** Okay. So DOJ, it's your belief that
4 that's not accessible; is that right?

5 **THE WITNESS:** That's what I was told, yes.

6 **THE COURT:** And that's your belief?

7 **THE WITNESS:** That's my understanding, yes, ma'am.

8 **THE COURT:** Okay. Go ahead.

9 **BY MS. STEIERT:**

10 **Q.** Roberta, did you speak to any other staff members about
11 the confidentiality issue at the computers?

12 **A.** I did. I have -- so because when you type -- when you
13 write an email and then they don't answer, it's like they talk
14 to the person that you're reporting and everybody knows. So
15 somebody's telling if -- if you're not.

16 **Q.** Do you mean when you write an email to staff members?

17 **A.** Yes.

18 **Q.** Okay. So is reporting to staff directly confidential?

19 **A.** No, I don't believe so.

20 **Q.** Can you explain why not?

21 **MS. CZIOK:** Objection. Foundation.

22 **THE COURT:** You can -- well, do you have an instance
23 where you reported something to staff -- can you give me --
24 I'm -- you said that you don't think that reporting to staff is
25 confidential.

1 **THE WITNESS:** No.

2 **THE COURT:** That's correct?

3 **THE WITNESS:** That is correct. I'm sorry. Yes.

4 **THE COURT:** And why do you think that?

5 **THE WITNESS:** Because me personally, I've had a
6 conversation with Lieutenant Putnam, and what I shared with him
7 came back to me. And he later asked me if my conscience was
8 bothering me. So how did it -- I don't -- there are a number
9 of staff that I don't -- that I don't trust.

10 **THE COURT:** Yep.

11 **THE WITNESS:** And I did tell Mr. Deveney that.

12 **THE COURT:** Yep.

13 **THE WITNESS:** And he told me that they had all been
14 vetted and they know what they're doing.

15 I said, sir, I hear what you're saying, but I saw Colette
16 Peters on the C-SPAN, I watched it. I said it might look good
17 in black and white, but when the boots are on the ground and
18 we're here and we're experiencing this, what you're doing is
19 not working.

20 **THE COURT:** So you trusted Putnam enough to talk to
21 him or not?

22 **THE WITNESS:** I did and then I didn't. At first I
23 did.

24 **THE COURT:** So what's interesting to me is that there
25 is both a concern that there's not enough information and that

1 call him. He's "Pervy McGervy." Everybody knows that. Lurch.
2 Pervert. They know that. Staff, inmates.

3 **THE COURT:** What is his nickname?

4 **THE WITNESS:** Perv, Pervy McGervy, Lurch.

5 **BY MS. STEIERT:**

6 **Q.** What happened after you spoke to Officer O'Connor?

7 **A.** And he told me he's -- he told me that I needed to get out
8 of the kitchen, you're going to get a shot, we're closed.

9 And the person with me said, well, we just sat down.

10 And I said he's not talking to you, he's talking to me.
11 Just eat.

12 But then we're frustrated. But there was a bar attaching
13 the seat to the table so I couldn't get up. I would have to
14 step over the bar.

15 So I'm still looking at him, and I said, you know what? I
16 don't know why you keep messing with me. It's not like I told
17 on you.

18 And he was like, just go.

19 So we got up to leave. And he's walking behind us. And I
20 said, you know what? I haven't told on you, but I'm going to
21 tell.

22 And he said, don't take it personal. It's not personal.
23 You understand.

24 **Q.** Did it feel personal to you?

25 **A.** It was.

1 paper. When you send an SIS an email, you don't get a
2 response. And even if you give them a paper cop-out, you don't
3 get it back. So I don't know how that works.

4 **THE COURT:** Okay. Thank you.

5 **BY MS. STEIERT:**

6 **Q.** Roberta, what did you say to Officer Putnam?

7 **THE COURT:** I could not hear you.

8 **BY MS. STEIERT:**

9 **Q.** Roberta, what did you say to Officer Putnam?

10 **MS. CZIOK:** Objection. Vague as to time.

11 **THE COURT:** Yes, agreed. When?

12 **BY MS. STEIERT:**

13 **Q.** When you reported the incident with O'Connor.

14 **A.** It was when Mr. O'Connor was still there. So it was in
15 the -- in the spring or summer month. It was in that time. I
16 went to his office. I was called by the officer to go to his
17 office.

18 **Q.** Were you called to the office because of the O'Connor
19 incident?

20 **A.** No.

21 **Q.** And what did you say while you were at the office?

22 **A.** While I was talking to him, he was telling -- he asked me
23 what do people say about me.

24 I said, well, for one, they don't trust you. They think
25 you pick and choose who you want to go after.

1 And he kind of laughed.

2 I said you don't answer. I was telling him about not
3 answering me and telling me that he was coming to talk to me
4 and he did not.

5 And he said, well, I do my job. I'm just busy. There's a
6 lot going on. And I was going to get back to you.

7 I said, you say that you're getting rid of everybody but
8 you're still talking to Vasquez. I still see him. And
9 O'Connor is here. He's a pervert.

10 And he was like, now, listen, about O'Connor, what did you
11 see him do?

12 What did I see him do? I said, well, I know if this
13 person told on the warden, they don't have a problem. I'm
14 not -- I didn't make it up. There were other people there.
15 The roommate was in the room. The lady was naked from the
16 waist down. I called him on it. And every since then, he's
17 been harassing me. I said, he pushed --

18 I'm sorry. I'm going to ask the Judge a question.

19 Please, ma'am, can I ask you a question?

20 **THE COURT:** You can ask. I don't know that I'm going
21 to answer.

22 **THE WITNESS:** Okay. But like there are certain words
23 that were said. Can I just say them exactly like that?

24 **THE COURT:** You can.

25 **THE WITNESS:** Okay. So I just asked -- I told him, I

1 said, I just told you he just smashed my head with his dick and
2 you didn't do anything. Nobody -- nobody did anything. And
3 Ms. Doyle told me she sent you an email.

4 And he was like, but did he touch anybody?

5 So, look, you want me to change what I'm saying. This is
6 what happened. People were there. It was in food service.
7 Her roommate was in the room. And she's standing there with
8 her boobs out, just a towel wrapped around her waist. I was
9 waiting to talk to her when she came out of the shower.

10 She said, I need to talk to you. So I was waiting for her
11 to get dressed. You watched her. I watched you. Everybody
12 watches you.

13 When I say "you," I'm referring to Mr. O'Connor.

14 So you know -- he went up there, held the door open and
15 looked at her like that. And he has been harassing me, and you
16 want me to change what I'm saying? Nope.

17 **BY MS. STEIERT:**

18 **Q.** What happened after the meeting with Lieutenant Putnam?

19 **A.** That I can't recall -- oh, I told him -- he said, well,
20 what did he do?

21 I said, look, they say he looks just like his penis. I
22 don't know, but I felt it on my back. Do something about it.

23 He said, well, [name redacted], I'm going to take care of
24 it.

25 I said okay.

1 **MS. STEIERT:** Oh, my gosh. Your Honor, I would like
2 to strike that last name from the record.

3 **THE WITNESS:** I said my name. I'm sorry.

4 **THE COURT:** I missed what you said, and it's not on
5 the record.

6 **THE WITNESS:** Okay. Whew, okay. I'm sorry.

7 **BY MS. STEIERT:**

8 **Q.** Roberta, did you continue do see Officer O'Connor after
9 that meeting with Lieutenant Putnam?

10 **A.** Yes.

11 **Q.** Did you ever report the incident with Officer O'Connor to
12 anyone else?

13 **A.** To the task force.

14 **Q.** Who did you speak to at the task force?

15 **A.** I have their names written down somewhere, but like three
16 different people. But when people didn't want to talk to them
17 anymore and they were like what should we do, I sat down with
18 one of the ladies right in the middle of the lobby in the unit
19 for like an hour.

20 **Q.** What did you say in that conversation?

21 **A.** I told her that -- why are people that get high with
22 people still here? Why are -- when I say people, I'm referring
23 to staff. Why are they here? If they need rehab, you don't
24 have a drug program here for people. Why is that happening?

25 And I asked the lady why is Mr. O'Connor still here? He's

1 **THE COURT:** Okay. Continue.

2 And by the way, what was the context -- what were you
3 doing that led to the search? Was it routine?

4 **THE WITNESS:** It was a shakedown for the whole unit.
5 They woke us up at 6:00 in the morning and pulled us out of our
6 room.

7 **THE COURT:** How many in that unit?

8 **THE WITNESS:** It varies but probably -- I want to say
9 about 60.

10 **THE COURT:** Sixty.

11 **THE WITNESS:** Uh-huh.

12 **THE COURT:** And how many officers were doing this?

13 **THE WITNESS:** I think there was three females that
14 were doing the pat searches.

15 **THE COURT:** Thank you.

16 Proceed.

17 **BY MS. MONTES:**

18 **Q.** Immediately after this pat-down, did you want to report
19 counselor Campos?

20 **A.** Pretty much, yeah. Like especially after talking to other
21 people and finding out that it also happened to them. I just
22 felt like it was -- it's not okay, you know.

23 Her behavior is very bullying all the time. And this just
24 made me feel like something that was, I felt, very, very, like
25 I said, violated by it and I felt like I needed to report it.

1 I was told not to. I was told that I would be retaliated
2 against if I did.

3 MS. MATTIOLI: Objection. Hearsay.

4 THE COURT: It's not -- I mean, I'm not going to
5 accept it for its truth. I'm going to accept it just in terms
6 of your -- of why you acted as you did. I don't know if it's
7 true or not.

8 THE WITNESS: Okay.

9 THE COURT: But you did something, I take it, or you
10 didn't do something because you heard these things; is that
11 right?

12 THE WITNESS: No, I didn't do it because of that. I
13 did it because of how it made me feel.

14 THE COURT: Did you report it or not?

15 THE WITNESS: Yes. I reported it immediately within a
16 few hours of it happening. Uh-huh.

17 THE COURT: Despite the fact that people told you not
18 to?

19 THE WITNESS: Yes.

20 THE COURT: Okay. Well, then it is stricken because
21 she didn't respond in light of everything she heard.

22 BY MS. MONTES:

23 Q. How did you report counselor Campos?

24 A. I reported it to the DOJ because I was told that it's
25 anonymous and that way I would be safe.

1 **THE COURT:** Anonymous or confidential?

2 **THE WITNESS:** I guess confidential. Yeah, I guess
3 confidential would be the correct word, yes.

4 **THE COURT:** That is, do you --

5 **THE WITNESS:** Yes.

6 **THE COURT:** -- did you understand it to be anonymous,
7 that it wasn't --

8 **THE WITNESS:** No. I'm sorry. Confidential would be
9 the correct word, yes, there.

10 **BY MS. MONTES:**

11 **Q.** And what happened after you emailed the DOJ about this
12 incident?

13 **A.** I was immediately called to see our psychologist or
14 psych -- someone from the psych department, Ms. Mulcahy.

15 **Q.** And what did you tell Dr. Mulcahy?

16 **A.** I told her exactly what happened and -- well, first I
17 asked her if I was going to be safe in telling her that I -- if
18 I did, would it get back to my unit team because I didn't trust
19 them, and that I didn't want to report anything that would go
20 back to them. I didn't even think that the DOJ would report it
21 inside the BOP. And so the fact that she was coming to me had
22 me very concerned that that had already happened.

23 **THE COURT:** Do you have any reason to distrust her?

24 **THE WITNESS:** Ms. Mulcahy? I didn't know her. I had
25 never met her before.

1 **THE COURT:** As you sit here today, do you have any
2 reason to distrust her?

3 **THE WITNESS:** Well, yes. What she told me turned out
4 to not be true. She told me I could feel safe in telling her
5 and that it would not get back to my unit team, and it
6 immediately got back to my unit team.

7 **BY MS. MONTES:**

8 **Q.** Did Dr. Mulcahy provide you with any additional follow-up
9 services after this meeting?

10 **A.** No.

11 **Q.** Did you see medical after this meeting?

12 **A.** No. She told me I would, but I did not.

13 **Q.** What happened after you spoke to Dr. Mulcahy?

14 **A.** I was immediately seen by -- she said that what I was
15 reporting was called a PREA. I -- I was confused. I didn't
16 feel like it was -- again, I -- I told her I didn't feel like
17 it was in a sexual manner at all, that I never felt like it was
18 an sexual advancement of any kind. I just felt like she was
19 being overly aggressive. So to me it felt like I was reporting
20 misconduct, not what I would feel would be considered a PREA,
21 so to say.

22 But she said that what I was reporting was a PREA. And
23 she next had me see I think SIA Officer Baudizzon. And again I
24 went through the same thing with him. Can I feel safe in
25 talking to you and telling you what happened with me? Is it

1 not going to be, you know, used against me? I have to live in
2 the same unit. Like they live literally 20 feet -- Campos's
3 office is 20 feet from my cell.

4 So I live -- I'm intimidated by her on a daily basis as it
5 is, but to have her know that I'm reporting her and then live
6 like that is extremely scary.

7 And so I asked them could I feel safe in him telling, and
8 he said yes. He said you're going to see medical and you will
9 be talking to us again.

10 I said okay. And then he left. I never saw medical. And
11 then the next day, I was served with an incident report.

12 Q. And what was that incident report for?

13 A. It said something about they watched the cameras, they
14 felt that I was not being truthful in my statement, that I was
15 trying to file a false PREA, which I never said it was a PREA.
16 They did. And that -- and they put a statement in there that I
17 said she used her back of her hands, not the front of her
18 hands, which they never asked me that at all. I don't even see
19 how that's relevant. But -- and they said that she -- they
20 felt she was within her duties.

21 Again, I didn't feel how that was relevant. Even if that
22 is what the officers feel is within her duties, it still made
23 me uncomfortable and I still feel like I should have a right to
24 say what makes me feel uncomfortable.

25 And that's what I was telling the psychologist, is that if

1 something makes me uncomfortable, like you don't know my past
2 traumas so if something in this place makes me feel
3 uncomfortable, even if it's a -- something like a strip search
4 that they're allowed to do, I should be able to go to someone
5 and say it makes me feel uncomfortable and not be punished for
6 it.

7 And I was extremely punished for this.

8 **Q.** Can you tell me about what consequences you received after
9 the disciplinary?

10 **A.** So when the officers saw me in Campos's office, they asked
11 me what's the one thing you want to keep? And I said my phone.
12 I need to talk to my daughter. She lost her dad. She doesn't
13 have any other family. Can I please keep my phone to talk to
14 her?

15 And they said we're taking your phone, we're taking your
16 email, we're taking your video visits, we're taking your
17 in-person visits. So my aunt and uncle who are here today
18 couldn't come see me either. They cut off all outside contact
19 with family members. And then they took my commissary. I
20 haven't been able to shop. And I can't shop until almost May.
21 So that was September.

22 **Q.** Did they give you any other consequences?

23 **A.** I think -- I don't think there was any left -- oh, well,
24 they also raised my points. So I lost my FSA credits. So I
25 would have been long gone home by now if I had gotten my FSA

1 credits. But when I was teamed by Campos, they raised my
2 points and --

3 Q. Sorry. Can I stop you there.

4 Can you explain to the Court what the FSA credits are?

5 A. Okay. So we earn credits by doing classes. I've done, I
6 don't even know how many classes. I think over 20-something
7 classes since I've been incarcerated in order to -- and done
8 everything I could to lower my points and to earn FSA credits.

9 And so this incident report raised my points to where I
10 can -- even though I've earned the credits, I don't get them
11 any longer.

12 Q. So how did this raising of your FSA credits affect your
13 expected release date?

14 A. Probably about 10 months.

15 Q. And in your opinion, why is access to commissary so
16 important?

17 A. Well, I can't buy bottled water, I can't buy snacks, food,
18 clothing. I mean, shoes. Everything. Coffee. Nothing.

19 Q. Did you ever appeal the disciplinary action?

20 A. No. I've honestly been scared to because my appeal goes
21 to my unit team. And if they're saying -- I -- I have no
22 control over what they say and do. So if they say I'm lying
23 the first time and I know there's no video that says it didn't
24 happen because it happened, and so if they're going to say that
25 the first time and I try and appeal it and say it really

1 happened, and then they're just going to -- they'll put me in
2 the SHU. They've already threatened that the first time.

3 So they've put people in the SHU for long periods of time
4 here. I don't want to do the rest of my time in the SHU. And
5 they've already told me my points are at a 14 right now. One
6 more incident report, and I go to the SHU.

7 **Q.** Did you ever reach out to Dr. Mulcahy about this
8 disciplinary?

9 **A.** Yes, I did. I sent her an email immediately.

10 **Q.** I'd like to show you a document.

11 **A.** Okay.

12 **MS. MONTES:** If I can approach.

13 **Q.** Do you recognize this document?

14 **A.** Yes.

15 **Q.** What is it?

16 **THE COURT:** Hold on just a minute.

17 **MS. MONTES:** Oh, I'm sorry.

18 **THE COURT:** Is this from you?

19 **THE WITNESS:** Yes.

20 **BY MS. MONTES:**

21 **Q.** How did you --

22 **THE COURT:** I asked you to wait.

23 **MS. MONTES:** Oh, I'm sorry.

24 (Court reviewing document.)

25 **THE COURT:** Okay. Proceed.

1 **MS. MONTES:** For the record, this is PIX14.

2 **Q.** How did you send this email?

3 **A.** Through the TRULINCS system, request to staff.

4 **MS. MONTES:** With the Court's permission, I would like
5 to offer Plaintiffs' 14 into evidence.

6 **THE COURT:** It's admitted.

7 (P Plaintiffs' Exhibit 14 received in evidence.)

8 **BY MS. MONTES:**

9 **Q.** How soon after the incident with Campos did you send this?

10 **A.** I believe it was the following day, as soon as I got the
11 incident report.

12 **THE COURT:** So this says that you thought that this
13 was on video, and you testified it wasn't on video.

14 **THE WITNESS:** No. What I'm saying, Your Honor, is
15 that if it is on video, it shows that it did happen.

16 **THE COURT:** I see. Okay. Thank you.

17 **BY MS. MONTES:**

18 **Q.** Can you please read the email you sent.

19 **A.** Okay.

20 Ms. Mulcahy, yesterday when I met with you, I told you
21 what happened with --

22 **THE COURT:** I'm going to stop you. Is there a reason
23 why you want her to read this into the record given your
24 limitation on time? I've read it.

25 **MS. MONTES:** Understood, Your Honor.

1 Q. Can you summarize what you said to Ms. -- Dr. Mulcahy in
2 this email?

3 A. Yeah. Basically I was just letting her know that I -- I
4 felt that she had promised me that if I reported it, I could
5 feel safe and protected and that it would never get back to the
6 officer I was reporting or used to retaliate against me, and I
7 no longer felt safe.

8 Q. Did Dr. Mulcahy address your concerns after you sent this
9 email?

10 THE COURT: Did she respond?

11 BY MS. MONTES:

12 Q. Did she respond? That could be the first question.

13 A. A few weeks later I got a response that said it was out of
14 her control.

15 THE COURT: That's all -- did she do that in writing
16 or orally?

17 THE WITNESS: In writing.

18 THE COURT: Do I have that email?

19 MS. MONTES: We do not have that email.

20 THE COURT: Do you have that email?

21 THE WITNESS: I do. I'm sure in my system.

22 THE COURT: Did you give it to the lawyers?

23 THE WITNESS: I did not, no. I can. I did not.

24 THE COURT: Okay. So she said what in this email?

25 THE WITNESS: I believe it was something to say that

1 it was -- once it was turned over to SIA, it was out of her
2 control basically.

3 **THE COURT:** Did she respond to the other things that
4 you say in here?

5 **THE WITNESS:** No, not at all.

6 **BY MS. MONTES:**

7 **Q.** Did you contact anyone else about your concerns?

8 **A.** I did. I talked in person to Ms. Enriquez, who is our
9 DTS. She is the one person who we see in psych alone. I saw
10 her in the psych office so I stopped her and talked to her and
11 asked her if she could help me.

12 **THE COURT:** What was her name again?

13 **THE WITNESS:** Ms. Enriquez. And Dr. Phelps as well.

14 **THE COURT:** Dr.?

15 **THE WITNESS:** Phelps. He is a psychologist there.

16 And they both told me they would look into it and see what they
17 could do and never responded.

18 **BY MS. MONTES:**

19 **Q.** Did you inform SIS about your concerns?

20 **A.** I did. I also sent a very similar email to this one to
21 both Baudizzon immediately and to the DOJ as well.

22 **Q.** Did you receive a response to your messages?

23 **A.** No.

24 **Q.** At the time of reporting counselor Campos, what was your
25 job?

1 A. At the time, I was -- worked for commissary, the
2 commissary warehouse.

3 Q. And about how much did you make working for commissary?

4 A. On average, probably, I think, 20 to \$30 a month.

5 Q. Did you enjoy your job working for commissary?

6 A. Yes.

7 Q. Were you fired after reporting counselor Campos?

8 A. Yes.

9 Q. How soon after?

10 A. Very soon. I think it was part of the -- it was changed
11 the same day.

12 Q. And now who do you work for?

13 A. Campos.

14 Q. And this is the same person -- is this the same person who
15 touched you inappropriately?

16 A. Yes.

17 Q. How does it make you feel to work for counselor Campos?

18 A. Intimidated.

19 THE COURT: Do you have to work at -- is that a choice
20 or not?

21 THE WITNESS: No. It's not by choice. I've asked not
22 to -- I've requested to -- any other employment.

23 BY MS. MONTES:

24 Q. And now how much do you make working for counselor Campos?

25 A. Like \$5 a month, maybe 6.

1 Q. Do you feel that being fired was in retaliation for
2 reporting counselor Campos?

3 A. Absolutely.

4 Q. Who approves your visit requests?

5 A. Campos.

6 THE COURT: I don't understand that question.

7 BY MS. MONTES:

8 Q. Is there a process to approve visitation?

9 A. Yes. Counselor Campos is -- that's one of her duties, is
10 to approve our visitors. So I have been trying to get my
11 daughter approved to come see me for the last few months, and
12 she keeps saying she doesn't have the visitor --

13 THE COURT: She said what?

14 THE WITNESS: She keeps saying she doesn't have the
15 visitor forms. Same with my aunt and uncle who live right here
16 in Dublin and would happily come see me. She doesn't have
17 those either, even though they've sent them multiple times.

18 THE COURT: I don't understand what that means, they
19 don't have -- she doesn't have visitor forms.

20 THE WITNESS: Well, so my family mails them in. She
21 says she doesn't get them.

22 THE COURT: And they live in Dublin?

23 THE WITNESS: Yes.

24 THE COURT: Are they here in the courtroom?

25 THE WITNESS: I have another aunt and uncle that are.

1 **BY MS. MONTES:**

2 **Q.** Have you been able to be visited by your family in the
3 last few months?

4 **A.** Since -- just recently, yes.

5 **Q.** Have any staff made comments to you --

6 **THE COURT:** Okay. I'm sorry. I want to understand
7 this visitor issue.

8 **THE WITNESS:** Okay.

9 **THE COURT:** So you do have visitors or you don't --

10 **THE WITNESS:** Okay. So I have two aunts and one uncle
11 that were approved when I first got to Dublin back in
12 January of 2023. But since this incident, I have not been able
13 to get anyone approved.

14 **THE COURT:** So because they were approved, they can
15 still see you?

16 **THE WITNESS:** They couldn't for, I guess -- I don't
17 know the determination of the time. There was the -- so the
18 phone, email, video visits and in-person visits were part of my
19 punishment for this incident report, and I don't know for how
20 long.

21 I do know after I met with the attorneys 32 days in, they
22 came back on. I got those rights back. And I don't know if
23 that had anything to do with it or if it was supposed to have,
24 but it was -- it was 32 days after I lost them, I was able to
25 get those back.

1 **THE COURT:** So those -- so you now -- that consequence
2 has been withdrawn?

3 **THE WITNESS:** Right. Right. But the commissary
4 continues.

5 **THE COURT:** So the two aunts and uncles now can visit,
6 but you haven't been able --

7 **THE WITNESS:** Get anyone else added, correct.

8 **THE COURT:** -- to get anyone else authorized.

9 **THE WITNESS:** Uh-huh.

10 **THE COURT:** And the other people you want authorized
11 are who?

12 **THE WITNESS:** My daughter.

13 **THE COURT:** Is she local or not?

14 **THE WITNESS:** She lives in San Diego, San Clemente.

15 **THE COURT:** And you said other people who live in
16 Dublin?

17 **THE WITNESS:** Yes. I have an aunt and uncle right
18 here in Dublin.

19 **THE COURT:** Okay. Thank you.

20 **BY MS. MONTES:**

21 **Q.** Can you tell me --

22 **THE COURT:** Can I have you write down for me their
23 names --

24 **THE WITNESS:** Sure.

25 **THE COURT:** -- on a --

1 not sexual, it was aggressive.

2 THE WITNESS: Right.

3 THE COURT: Have you personally seen any sexual
4 issues, sexual abuse, sexual touching?

5 THE WITNESS: Yes.

6 THE COURT: Okay. What have you seen?

7 THE WITNESS: I'd rather -- I don't feel safe talking
8 about it.

9 THE COURT: Have you reported it?

10 THE WITNESS: What I've seen other people do? No.

11 THE COURT: Is it officer-on-inmate or
12 inmate-on-inmate?

13 THE WITNESS: Officer-on-inmate.

14 THE COURT: How many incidents have you seen?

15 THE WITNESS: At least a few. I mean, like four or
16 five probably.

17 THE COURT: And when did you see them?

18 THE WITNESS: I mean, over the past year.

19 THE COURT: So in 2023?

20 THE WITNESS: Uh-huh.

21 THE COURT: That's a "yes"?

22 THE WITNESS: Yes.

23 THE COURT: And at the camp or somewhere else?

24 THE WITNESS: At the camp.

25 THE COURT: Did they involve one officer or many?

1 **THE WITNESS:** One officer.

2 **THE COURT:** One or more?

3 **THE WITNESS:** Am I talking about different officers,
4 are you saying? Yeah. Different officers.

5 **THE COURT:** How many?

6 **THE WITNESS:** Three.

7 **THE COURT:** All right. It's way past our lunch break.
8 During this break, you're ordered not to talk to anybody,
9 including your lawyers, about anything. Okay?

10 **THE WITNESS:** Okay.

11 **THE COURT:** All right. We'll stand in recess until
12 12:45.

13 All right, Mr. Galvan, Ms. Mattioli, I will see you at
14 sidebar. We will stand in recess until 12:45.

15 (Sidebar conference held without the reporter.)

16 (Luncheon recess was taken at 12:07 p.m.)

17 **AFTERNOON SESSION**

12:47 p.m.

18 **THE COURT:** We're back on the record.

19 The record will reflect that the witness is here. And
20 counsel is present.

21 So do you recall when your family sent in those visitation
22 requests?

23 **THE WITNESS:** I would have to ask them the exact
24 dates. I don't -- I don't know. I -- I told them to send them
25 again certified mail so I would have proof that they were

1 don't tell me. They just told me they were taking my phone, my
2 email, my -- so they don't tell me the length of time. So I
3 didn't know at the time until it came back on.

4 Q. Okay.

5 A. That's what I'm saying.

6 Q. I understand.

7 A. Okay.

8 Q. You testified that there's not currently a drug problem at
9 the camp?

10 A. I'm saying there is no drugs at the camp currently that I
11 know of.

12 Q. But there is a drug problem?

13 A. Of course. There is a bunch of drug addicts with no
14 treatment and no help.

15 Q. You also testified that staff are bringing drugs into the
16 compound?

17 A. Yes. That's what I've been made aware of, yes.

18 Q. Have you reported that?

19 A. No. I am in fear of my life. No, I could not do that.

20 Q. But you came here and testified at a public court hearing
21 about it?

22 A. Because I'm not saying any details. That's why. Because
23 I'm not -- I'm scared. I shouldn't --

24 MS. MONTES: Objection. Argumentive.

25 THE COURT: It is not argumentive.

1 **BY MS. MATTIOLI:**

2 **Q.** Are you aware of confidential ways to report things like
3 that?

4 **A.** No.

5 **Q.** Are you aware --

6 **A.** I mean, it's not --

7 **THE COURT:** Ms. Mattioli, let her finish.

8 **THE WITNESS:** It's not my place to do their job. They
9 are aware of it. Let me tell you that. They are very aware of
10 it. They know exactly everything that's going on.

11 **BY MS. MATTIOLI:**

12 **Q.** By "they," who do you mean?

13 **A.** I'm talking about the staff that runs Dublin. I'm talking
14 about my unit team. They know who has phones. They know who
15 has drugs. They know who does drugs. They know how they come
16 in. They are aware of all of it and they don't stop it.

17 So why would I tell them? Just so I can be retaliated
18 against more?

19 **Q.** You just said that they know.

20 **A.** They do know. That's what I'm saying. So for me to go
21 and tell them anything is for me to get retaliated against
22 more. Because they already know. I'm not telling them -- I'm
23 not telling them that -- anything that inmates have not already
24 told them.

25 **Q.** You have to stop and let me ask a question.

1 **A.** Okay.

2 **THE COURT:** You were interrupting her.

3 **MS. MATTIOLI:** I thought she was done speaking.

4 **THE COURT:** She was not.

5 Ask your next question.

6 **BY MS. MATTIOLI:**

7 **Q.** My question was are you aware of how you could report that
8 to someone outside of BOP?

9 **THE COURT:** She's answered the question. She doesn't
10 trust the process. Next question.

11 **MS. MATTIOLI:** She said she doesn't trust the people
12 in her unit or the people at BOP -- at Dublin, I meant.

13 **THE WITNESS:** I tried that with the DOJ about this,
14 and look what happened. Of course I don't trust the process.

15 **BY MS. MATTIOLI:**

16 **Q.** What do you mean by DOJ?

17 **A.** The Department of Justice. That's who I reported this
18 incident to. And it came right back to --

19 **Q.** How?

20 **A.** By email.

21 **Q.** To what email?

22 **A.** To the one on our inmate to staff. It says that's how
23 we're supposed to report confidentiality -- confidentially to
24 the Department of Justice in order to avoid being punished by
25 the BOP.

1 And that did not happen for me. I got punished badly by
2 saying something that happened to me. So, no, I am not going
3 to do their job for them at all and be punished more. You
4 think these officers want -- if they cover that -- this stuff
5 up for themselves, you think they're going to let other
6 officers go down for bringing in drugs?

7 MS. MATTIOLI: I have no further questions.

8 THE WITNESS: Absolutely.

9 THE COURT: Any redirect limited to the scope of
10 cross?

11 MS. MONTES: Your Honor, I just -- no more questions
12 on redirect.

13 THE COURT: Okay. Before you leave, is there anything
14 else you want to tell me while you are here?

15 THE WITNESS: No, Your Honor.

16 THE COURT: No?

17 THE WITNESS: No.

18 THE COURT: All right. She's excused.

19 MX. BEATY: Your Honor, the plaintiffs call V, is the
20 name she is going by.

21 (Proceedings sealed.)

22 DIRECT EXAMINATION

23 BY MX. BEATY:

24 Q. Good afternoon.

25 Ma'am, what name would you like me to call you during the

1 **A.** Because I want it to stop.

2 **Q.** Since you arrived at the camp in January 2023, have you
3 personally witnessed staff sexual misconduct?

4 **A.** Yes, I have.

5 **Q.** And where did this staff sexual misconduct take place?

6 **A.** At the commissary warehouse.

7 **Q.** And how did you come to witness staff sexual misconduct in
8 the commissary warehouse?

9 **A.** Well, I was working laundry within the warehouse
10 commissary.

11 **Q.** Okay. And just to clarify, what's the relationship
12 between commissary and warehouse?

13 **A.** Well, the commissary and the warehouse, we get our
14 commissary from the warehouse. That's where it gets delivered.

15 **Q.** So commissary workers work alongside warehouse workers?

16 **A.** Yes.

17 **Q.** When did you start working in the commissary warehouse?

18 **A.** I worked like the beginning of February.

19 **Q.** 2023.

20 **A.** 2023.

21 **Q.** And when did you witness staff sexual misconduct in the
22 warehouse?

23 **A.** Like about two weeks after I had already been there.

24 **Q.** By which staff member?

25 **A.** By Officer Celestial.

1 **THE COURT:** Officer who?

2 **THE WITNESS:** Celestial.

3 **THE COURT:** I can't hear her.

4 **THE WITNESS:** Celestial.

5 **THE COURT:** Do you know how to spell that?

6 **MX. BEATY:** We believe, although BOP could correct us,

7 C-E-L-E-S-T-I-A-L.

8 **THE COURT:** Okay. Thank you.

9 **BY MX. BEATY:**

10 **Q.** What is Officer Celestial's role in the commissary
11 warehouse?

12 **A.** He's one of the officers in charge.

13 **Q.** Can you tell the Court what did you see Officer Celestial
14 do?

15 **A.** I've seen Officer Celestial grabbing B's breasts. They
16 were playing around, and he grabbed her.

17 **Q.** And you said B?

18 **A.** B.

19 **Q.** Is B an incarcerated woman?

20 **A.** Yes, she is.

21 **THE COURT:** V as in Victor, or B as in Bonnie?

22 **THE WITNESS:** B as in Bonnie.

23 **BY MX. BEATY:**

24 **Q.** Where were you in the warehouse when you saw this?

25 **A.** I was behind the tubs, the laundry. There is like these

1 clothes that they keep in the tubs, and I was behind it mopping
2 the floor.

3 Q. And where were Celestial and B?

4 A. About 20 feet from where I was standing.

5 Q. Did they see you?

6 A. No. They didn't know I was back there.

7 Q. What, if anything, did Officer Celestial say while this
8 was happening?

9 A. She kind of like said like, oh, stop. And he was like,

10 oh, quit tripping, you know, there's no cameras back here.

11 Q. To your knowledge, were there cameras in that area of the
12 warehouse at the time?

13 A. I don't think so. They are now. But at the time, I don't
14 think it was any cameras. I don't remember seeing any.

15 Q. How did you feel after you saw Officer Celestial grope B's
16 breasts?

17 A. I mean, I was scared because it had happened to me in a
18 different facility years back. I was scared so I decided to
19 quit, quit my job.

20 Q. And after you witnessed this, did you report it to any FCI
21 Dublin staff?

22 A. Not at the time.

23 Q. Why didn't you at the time?

24 A. Because I didn't think it had anything to do with me.

25 And, you know, PREA, I didn't think that was considered PREA at

1 Q. When did you tell Ms. Agostini?

2 A. I think I had already been there like three or four days.

3 Q. What did you tell her?

4 A. I told her that I didn't want -- I didn't feel comfortable
5 working there.

6 Q. What, if anything, did Ms. Agostini do to help you work
7 somewhere else?

8 A. Nothing. She told me that I was stuck there.

9 Q. Did you ever file a complaint about what you witnessed in
10 the commissary warehouse?

11 A. I did.

12 Q. And when did you do that?

13 A. When -- after they did the change.

14 Q. So November 2023?

15 A. Uh-huh.

16 Q. And what was that complaint about?

17 A. About what I had seen and how I felt.

18 Q. What you had seen in the commissary warehouse?

19 A. Commissary warehouse with Celestial and B.

20 Q. And who did you submit that grievance to?

21 A. To Putnam and Mr. B.

22 Q. When did you submit it?

23 A. Around November. Like the last week of November.

24 Q. And after you submitted it, did you talk to Mr. Putnam or
25 Mr. B?

1 **A.** Yes, I did.

2 **Q.** Were you interviewed by them?

3 **A.** Yes, I was.

4 **Q.** More than once?

5 **A.** More than once.

6 **Q.** What, if anything, did you tell them in those interviews?

7 **A.** I mean, I told them that I was scared because I'm working
8 with the people I reported. And he told me that I was not the
9 first one --

10 **MS. CZIOK:** Objection. Hearsay.

11 **THE COURT:** I'll -- I'll sustain it unless there's
12 something specific --

13 **MX. BEATY:** Excuse me. Lieutenant Putnam is an
14 individual defendant, Your Honor.

15 **THE COURT:** All right. Overruled.

16 **BY MX. BEATY:**

17 **Q.** What, if anything, did Lieutenant Putnam say to you?

18 **A.** He told me that I was not the first one that had reported
19 an incident and that it was a tangled web that they needed to
20 untangle.

21 **Q.** And after those interviews in November 2023, did SIS help
22 you change your job?

23 **A.** No. I'm still there.

24 **Q.** Since you spoke with SIS, have you received an appointment
25 with psych services?

1 **A.** No.

2 **Q.** Have you been interviewed by any outside law enforcement
3 agencies?

4 **A.** No.

5 **Q.** Do you still work with Officer Celestial?

6 **A.** Yes, I do.

7 **Q.** Officer Narayan?

8 **A.** Yes.

9 **Q.** Officer Lopez?

10 **A.** Yes.

11 **Q.** How do you feel about returning to your job after this
12 hearing?

13 **A.** I'm scared.

14 **Q.** Why?

15 **A.** Retaliation.

16 **Q.** What, if anything, has Officer Lopez said to you about
17 this hearing?

18 **A.** Well, yesterday she --

19 **MS. CZIOK:** Objection. Hearsay.

20 **MX. BEATY:** I'm not offering it for the truth of the
21 matter. I'm offering it for the impact on V.

22 **THE COURT:** All right. I will allow it for that
23 limited purpose.

24 You can tell me.

25 **THE WITNESS:** She said that she knew that Carla was

1 **A.** Because I got -- I been getting shots.

2 **Q.** And prior to August 16th, did you have a job in the
3 facility?

4 **A.** Yes, ma'am.

5 **Q.** And what was that job?

6 **A.** Visiting orderly and unit orderly.

7 **Q.** And do you still have that job?

8 **A.** No, ma'am.

9 **Q.** And when -- when did you lose that job?

10 **A.** They took the job from me from going to see -- get the
11 legal visits. Because I was going to talk to the attorneys at
12 the legal visit, and all of a sudden, they told me I couldn't
13 work over there no more.

14 **Q.** Did they explain why?

15 **A.** No. I asked the lieutenant why. And she said I have to
16 take that up with SIS. And I emailed SIS, and they never
17 responded back to me.

18 **THE COURT:** Do you have an individual lawsuit? The
19 lawsuit that we're dealing with today is not an individual
20 lawsuit. Do you have your own lawsuit?

21 **MS. JANSSEN:** So JM is a named plaintiff in this
22 lawsuit.

23 **THE COURT:** Okay. I'm asking whether she has an
24 individual lawsuit.

25 Do you know?

1 **MS. JANSSEN:** Only through -- through this lawsuit,
2 not separate from this, beyond, I believe, compassionate
3 release.

4 **THE COURT:** And when was the original complaint filed?

5 **MS. JANSSEN:** In this matter, August 16th.

6 **THE COURT:** Okay. Go ahead.

7 **BY MS. JANSSEN:**

8 **Q.** This may sound odd, but in recent visits in December, have
9 you -- have you gone to a legal visit recently?

10 **A.** Yes.

11 **Q.** Was that -- when was that?

12 **A.** I just had one last week.

13 **Q.** And this may sound odd, but during those visits, did you
14 have to use the restroom?

15 **A.** Yes.

16 **Q.** What happened when you went to go use the restroom?

17 **A.** They took us to the restroom and stood there and watched
18 us while we go.

19 **Q.** Had they done that at any time prior to this?

20 **A.** No.

21 **THE COURT:** How many times have you met with legal
22 counsel before that time?

23 **THE WITNESS:** A lot.

24 **THE COURT:** And did you go to the bathroom any of
25 those times?

1 **THE WITNESS:** Yes, ma'am.

2 **THE COURT:** And that didn't happen?

3 **THE WITNESS:** No, ma'am.

4 **BY MS. JANSSEN:**

5 **Q.** Do you feel you will be retaliated against after
6 testifying here today?

7 **A.** I hope not.

8 **Q.** I hope not as well.

9 Do you feel safe at FCI Dublin?

10 **A.** No, not really. I just stay in my room now.

11 **THE COURT:** I just what?

12 **THE WITNESS:** I stay in my room.

13 **THE COURT:** There's some water there for you, if that
14 will help.

15 **MS. JANSSEN:** I have no further questions. Thank you.

16 **THE COURT:** I've read your declaration about what
17 happened to you. Has anything happened to you since the most
18 current associate warden -- well, has anything happened to you
19 like that this fall?

20 **THE WITNESS:** No, ma'am.

21 **THE COURT:** Okay. Is there anyone there who you
22 trust?

23 **THE WITNESS:** Well, I talk to Ms. Miner. I talk to
24 Ms. Miner.

25 **THE COURT:** We're not getting that. Take a deep

1 aggressive. They treat us differently. They make us feel
2 belittled.

3 **THE COURT:** Okay.

4 Proceed.

5 **BY MX. BEATY:**

6 **Q.** Claudia, have you reported Officer Smith's abuse since it
7 occurred?

8 **A.** Yes.

9 **Q.** Did you do that yourself or did someone help you?

10 **A.** I was helped.

11 **Q.** Who helped you?

12 **A.** One of the female victims, and I spoke with the female
13 attorney.

14 **Q.** And what's your attorney's name?

15 **A.** Jacob. Yeah, Jacob firm.

16 **Q.** Did that attorney help you file a grievance against Smith?

17 **A.** Yes.

18 **Q.** Around when?

19 **A.** December. Around December.

20 **Q.** Of what year?

21 **A.** The year '22.

22 **Q.** And after that, were you interviewed by federal
23 investigators?

24 **A.** Yes.

25 **Q.** Do you feel that since you began working with your

1 attorney, staff have treated you differently?

2 A. Yes. The change was noticeable instantly.

3 Q. How so?

4 A. For starters, my medications were taken away from one day
5 to the next. And the medication for my convulsions got
6 reduced. I -- I --

7 THE INTERPRETER: The interpreter needs to ask for
8 repetition.

9 THE WITNESS: I started getting threatened, telling me
10 that if I started to speak or report, they were going to file
11 an incident report against me, or I was going to be sent to the
12 SHU.

13 BY MX. BEATY:

14 Q. You just said a lot so I want to break it down a little
15 bit.

16 When you say you were threatened, who threatened you?

17 A. Depending which officer was there at the moment.

18 Q. So staff?

19 A. Yes.

20 Q. Different staff.

21 And you mentioned shots. What's a shot?

22 A. It's an incident report.

23 Q. You received shots at FCI Dublin?

24 A. Yes.

25 Q. Do you know about how many?

1 **A.** A whole bunch.

2 **Q.** And in your experience, how, if at all, did the number of
3 shots that you received change after you reported Smith?

4 **A.** That's the time when my shots increased.

5 **Q.** Can you give examples of things you've received shots for
6 since reporting Smith?

7 **A.** For out of bounds, for using tight clothing, for being
8 insolent, and for talking back.

9 **Q.** What kinds of punishments have you received for those
10 shots?

11 **A.** Telephone was taken away from me as well as video calls
12 and the emails. And commissary as well.

13 **Q.** How did the -- how does the loss of phone, video, emails
14 impact you?

15 **A.** Very much so.

16 **Q.** How so?

17 **A.** I was unable to see my children. The fact of not being
18 able to see them. I live very far away from them, and no one
19 comes to see me, so that's my only opportunity. The fact of
20 listening to them and speaking with them.

21 **Q.** Claudia, have you had your cell searched at FCI Dublin?

22 **A.** Yes.

23 **Q.** How many times?

24 **A.** After the incident, many times.

25 **Q.** And what do you mean by "the incident"?

1 **A.** After I reported Smith, they started coming often
2 regularly to my cell.

3 **Q.** Have you participated in in-person legal visits at FCI
4 Dublin?

5 **A.** Yes.

6 **Q.** About how many?

7 **A.** Six.

8 **Q.** Would you say those visits have been private?

9 **A.** No.

10 **Q.** Have you attended any legal visits in the last month?

11 **A.** Yes.

12 **Q.** Did staff strip search you following those visits?

13 **A.** Yes.

14 **THE COURT:** How long did they take? How long did they
15 take?

16 **THE WITNESS:** You could say 10 minutes because I
17 was -- I had to get absolutely naked.

18 **BY MX. BEATY:**

19 **Q.** Had staff ever strip searched you before after a legal
20 visit before September?

21 **A.** No.

22 **Q.** Did you go to the bathroom during any of those legal
23 visits?

24 **A.** Yes.

25 **Q.** Did staff at any point watch you in the bathroom during

1 **THE WITNESS:** Yes.

2 **BY MX. BEATY:**

3 **Q.** You said you've attempted suicide twice at Dublin?

4 **A.** Yes.

5 **Q.** When was the second time?

6 **A.** In December.

7 **THE COURT:** Did they take you to the hospital? Did
8 they take you to the hospital?

9 **THE WITNESS:** Not the first time.

10 **THE COURT:** The second time?

11 **THE WITNESS:** Yes.

12 **THE COURT:** Go ahead.

13 **BY MX. BEATY:**

14 **Q.** You said you attempted suicide in December 2023.

15 **A.** Yes.

16 **Q.** Prior to attempting suicide, did you tell any FCI Dublin
17 staff that you were feeling suicidal?

18 **A.** Yes.

19 **Q.** Who did you tell?

20 **A.** I went to the psychologist, the woman psychologist, to
21 tell her because previously she told me that I could trust her
22 and you could come -- I could go to her to talk.

23 But at the time that I arrived to see her asking for help,
24 she asked me whether I had any urge to harm myself or to harm
25 someone else. At that moment I said whatever is near me, I

1 think I might harm it, whatever it is, and that I needed help.

2 Q. Did you get help?

3 A. No. She told me to go back to my room. And then she gave
4 me a little mask to cover my eyes and told me that that would
5 help me sleep.

6 Q. How did you attempt suicide in December?

7 A. I cut myself. And I was -- I got blocked. I don't know
8 what else happened to me. I only know that I had some sort of
9 vision, and it always happens to me when I block myself, I
10 faint. They came to -- to assist me. I was unconscious, and I
11 did not recover consciousness until I arrived at the
12 lieutenant's office.

13 Q. Do you believe that you've received adequate mental health
14 treatment at FCI Dublin?

15 A. No.

16 Q. Have you complained to staff about the adequacy of your
17 mental health treatment?

18 A. Many times.

19 Q. How many times?

20 A. I would go to a physician even three to four times per
21 week because you have to file some paperwork in order for them
22 to see you. And we would never get called.

23 And when we -- we would go in an urgency situation because
24 I would get a convulsion or I needed help, I was told that I
25 was fine, that don't go there to bother them unless I was dead.

1 Q. And just to back up a little bit, do you know if there was
2 anyone else in the shower at the same time as you?

3 A. There was.

4 Q. And you can identify them just with initial, if you
5 remember who it was?

6 A. M.

7 Q. Okay. And so after you went back to your room and you
8 were putting on your clothes, what happened next?

9 A. Officer Singh came to my door. He looked through the
10 door. I only had on my bra, and I was putting on my underwear,
11 and he looked in. We made eye contact. He looked away. And
12 Ms. Miner Groover was standing next to him, and I heard her say
13 I don't care, and she opened up my door.

14 Q. And who was Ms. Miner groover in the facility?

15 A. Ms. Groover is our unit team.

16 Q. Okay. Is she a unit manager --

17 A. The manager.

18 Q. So what happened after Officer Groover opened the door?

19 A. She asked me to give her my ID. And I told her hold on,
20 let me put on some clothes. And she said I don't care, give me
21 your ID. I'm giving you a direct order to give me your ID.

22 Q. And were you -- what clothes were you wearing or not
23 wearing at the time?

24 A. I had on my bra. When she opened up the door, I was
25 pulling up my underwear. So at this point I had on my bra and

1 my underwear.

2 Q. And do you know if -- what time that was when she opened
3 the door, or approximately?

4 A. It was -- it was before 10:00 a.m.

5 Q. And did she eventually shut the door when you asked her?

6 A. No.

7 Q. And so how did this experience make you feel?

8 I'll rephrase. Her opening the door on you, how did that
9 make you feel in that moment?

10 A. It made me feel violated. It brought up memories for me
11 of a previous situation.

12 Q. And when you say previous situation, I don't need you to
13 get into it, but is that a previous sexual situation?

14 A. Yes.

15 Q. And does what happened in August with Officer Groover
16 still impact you?

17 A. Yes.

18 Q. Did you have any prior contact with Officer Groover before
19 that day?

20 A. I have. The day before.

21 Q. And what was that contact like?

22 A. Again, I was in my room after work. I was working
23 electrical at the time. I was taking a nap.

24 Our officer of the unit at the time allowed me to put a
25 sheet across the window to stop the sun from coming in. I was

1 Q. And what happened when you were at the officer's station?

2 A. The officer just asked for my ID. I gave him my ID. I
3 turned around to the door to exit the unit. Well, that's where
4 we exit the unit. And there was the lieutenant, Officer
5 Groover, another officer there. And the lieutenant told me to
6 turn around and hand over my cup to another inmate because I'm
7 not allowed to have it in the SHU.

8 Q. So at that point, you were taken to the SHU?

9 A. Yes.

10 Q. And who took you to the SHU?

11 A. Officer Groover and the lieutenant.

12 Q. And what was -- for -- what was the reason you were going
13 to the SHU that you understood?

14 A. At that moment, I wasn't sure why I was being taken to the
15 SHU.

16 Q. Did you ever find out?

17 A. Yes.

18 Q. And what was the reason they told you?

19 A. So once I was in the SHU, they came to give me an incident
20 report for disrupting count.

21 Q. Okay. Did you -- and I'll go back and talk about your
22 experience in the SHU, but did you ever plan on or -- reporting
23 Officer Groover after you felt violated?

24 A. Yes, I did.

25 Q. And did you tell her or anyone?

1 **A.** Yes. I told her -- I told her and the lieutenant as I was
2 walking to the SHU, I asked the lieutenant why I was going to
3 the SHU, and he did not answer me.

4 And I looked over at Groover, and I said and just so you
5 know, I'm reporting you because I feel like you violated me and
6 I'm going to put a PREA on you.

7 And she said thank you for telling me that. And she said
8 nothing else.

9 I went to the SHU. And the next day, I was presented with
10 another shot for threatening staff with bodily harm. But
11 they -- that -- because I told her I was going to put a PREA on
12 her.

13 **Q.** Did you end up reporting her for PREA?

14 **A.** At that time I did not.

15 **Q.** So while you were in the SHU, did you try to report her
16 for PREA?

17 **A.** I did try to, yes.

18 **Q.** And how did that go?

19 **A.** The captain -- anytime the unit team did their walks on
20 Wednesdays, they just said that it wasn't considered PREA. I
21 tried to explain my situation. They said it wasn't a PREA
22 situation.

23 **Q.** Did they say why it wasn't considered PREA?

24 **A.** Yeah. They said because she was a female officer, it
25 wasn't PREA and I had on my -- my bra and my underwear, so she

1 have used it to call your lawyer?

2 **THE WITNESS:** Yes.

3 **THE COURT:** Okay. So that's a positive thing. Have
4 you used the line?

5 **THE WITNESS:** Yes.

6 **THE COURT:** And is it working?

7 **THE WITNESS:** Yes. The pilot line, yes.

8 **THE COURT:** Okay.

9 When people are using the computers, are other people --
10 well, tell me, when people are using the computers that you
11 observe or when you're using it, are people watching you?

12 **THE WITNESS:** Yes.

13 **THE COURT:** Who is watching you?

14 **THE WITNESS:** Inmates can see. When the officers do
15 their rounds, they can see.

16 **THE COURT:** Can they read what's on the computer?

17 **THE WITNESS:** Yes.

18 **THE COURT:** How?

19 **THE WITNESS:** Just looking at the computer. They can
20 stand on the side of you or behind you and read the computer.

21 **THE COURT:** Aren't there privacy screens?

22 **THE WITNESS:** There is a little privacy screen that's
23 attached to the computer, yes.

24 **THE COURT:** Have you ever been able to read something
25 that someone else wrote?

1 **THE WITNESS:** Yes.

2 **THE COURT:** How do you do that when there's a privacy
3 screen?

4 **THE WITNESS:** Because I don't feel that it's pretty
5 private at all. It doesn't block anything. It doesn't make it
6 dark. On the iPhone there is privacy screens where I can't see
7 this. But that's not the case on the privacy screens that are
8 on the computers.

9 **THE COURT:** Okay.

10 Cross.

11 The attorneys on the other side will get to ask you
12 questions.

13 **THE COURT:** Ms. Mattioli.

14 **MS. MATTIOLI:** Thank you, Your Honor.

15 **CROSS-EXAMINATION**

16 **BY MS. MATTIOLI:**

17 **Q.** Good afternoon.

18 **A.** Hello.

19 **MS. MATTIOLI:** I would just like to publish a photo
20 and not admit it. It is 419 -- 420.

21 I guess it's just to identify it.

22 **THE COURT:** The other side has it. Go ahead.

23 **BY MS. MATTIOLI:**

24 **Q.** Can you tell me what this is a photo of?

25 **A.** Of someone on a computer.

1 saw me half naked. And as I screamed, hey, they looked at me
2 and looked at my roommate and then back at me and continued to
3 pretend that everything was okay, and said one, two, and then
4 they continued to close the door and walked away.

5 **BY MS. SPIEGEL:**

6 **Q.** And how did you feel when that happened?

7 **A.** Hurt. Hurt.

8 **Q.** Did you report the incident?

9 **A.** Yes.

10 **Q.** How did you report it?

11 **A.** I emailed Deveney.

12 **Q.** And did you file a formal grievance?

13 **A.** Yes, ma'am. After that, yes, I did.

14 **Q.** And who does that go to when you file it?

15 **A.** I gave it to Ms. Miner, my counselor.

16 **Q.** After filing this report, did anyone follow up with you
17 about it?

18 **A.** Yeah. A psychologist named Ms. Miner M.

19 **Q.** Okay. And did you meet with her?

20 **A.** Yes.

21 **Q.** And what happened in that conversation?

22 **A.** Well, she asked the details of what happened, and then
23 said that medical would call me to ask more questions, but they
24 never did.

25 **Q.** When you filed that complaint, did you have a job at FCI

1 Dublin?

2 A. Yes.

3 Q. Where did you work?

4 A. CMS.

5 Q. And what were some of the work that you did on that job?

6 A. Drywall, painting, tile, floors.

7 Q. And are people who have that job ever given additional
8 special privileges?

9 A. Yes.

10 Q. Like what?

11 A. Like we get to repair our own bedrooms to make things more
12 comfortable for ourselves.

13 Q. And had you been given any of those privileges?

14 A. Yes.

15 Q. Were they ever taken away?

16 A. Yes.

17 Q. When were those privileges removed?

18 A. The day after I reported to Deveney that I had been walked
19 in while using the restroom.

20 Q. And how did you find out that those privileges were taken
21 away?

22 A. By another foreman because my -- my own foreman wouldn't
23 even tell me. He told another foreman to cancel all my
24 projects.

25 Q. And did you believe it was directly related to having

1 filed the complaint?

2 **A.** Yes.

3 **Q.** Other than the information you have told us already, is
4 there any other reason that made you believe that?

5 **A.** No.

6 **Q.** Okay.

7 I'm going to switch gears a little bit. Have you ever
8 personally witnessed staff at FCI Dublin retaliate against
9 other people who had reported sexual harassment?

10 **A.** Yes.

11 **Q.** When was the most recent time you witnessed that?

12 **MS. CZIOK:** Objection. Foundation.

13 **THE COURT:** Sustained.

14 Just lay a foundation, if you can.

15 **BY MS. SPIEGEL:**

16 **Q.** So are you aware of other people who had been sexually
17 harassed at the prison?

18 **A.** Yes.

19 **Q.** How did you know?

20 **A.** How did I know?

21 **THE COURT:** Did you see anybody harassed?

22 **THE WITNESS:** No.

23 **THE COURT:** So how would you know?

24 **THE WITNESS:** I've heard a foreman of speaking of
25 wishing to fire SL -- I believe that's her initials -- SL

1 **A.** Yes.

2 **Q.** Who did you speak to?

3 **A.** Ms. Miner M.

4 **Q.** Do you remember the full name?

5 **A.** Maca -- I don't know how to pronounce it. Mahooney,
6 Macooty?

7 **Q.** Mulcahy?

8 **A.** Yeah.

9 **Q.** And what was your conversation with her like?

10 **A.** I was begging her to help me get back on my medications,
11 literally in tears begging.

12 **Q.** And did you receive a response?

13 **A.** That she would try but...

14 **Q.** Did you ever reach out to her outside of a counseling
15 session?

16 **A.** I've emailed her.

17 **Q.** What did you say?

18 **A.** That I was extremely depressed and that I wanted to die
19 more than usual, and that I needed help and I was very
20 suicidal.

21 And her response to me was only reach out via that email
22 if it was an emergency.

23 **Q.** And have you reached out since then?

24 **A.** No.

25 **Q.** And are you still experiencing those symptoms?

1 **THE WITNESS:** Yes.

2 **THE COURT:** Okay. And what is your understanding?

3 **THE WITNESS:** That I can email SIS or the warden if
4 it's necessary. In this case -- well, I don't know if it's the
5 warden, but Deveney, whoever he is. I know that I can email
6 him and let him know what's going on, yeah.

7 **THE COURT:** And do you have an understanding about
8 whether or not these things are confidential or not?

9 **THE WITNESS:** No. I really don't.

10 **THE COURT:** Okay. Any other ways to report that
11 you're aware of?

12 **THE WITNESS:** (Shakes head.)

13 **THE COURT:** That's a no?

14 **THE WITNESS:** That's a no, ma'am. Sorry.

15 **THE COURT:** When you -- do you use the computers that
16 are available?

17 **THE WITNESS:** Yes, ma'am.

18 **THE COURT:** And on the computers, are there privacy
19 screens?

20 **THE WITNESS:** Yeah.

21 **THE COURT:** And have you ever been behind someone when
22 they're using the computer?

23 **THE WITNESS:** Yes, ma'am.

24 **THE COURT:** And can you read what's on their computer?

25 **THE WITNESS:** Absolutely.

1 **THE COURT:** Okay. While I have you here, I didn't
2 write down the name of the two individuals who saw you. Who
3 were those?

4 **THE WITNESS:** Oh, Officer Torres. And the other one
5 was a trainee. I've never seen him again. He was training
6 somebody.

7 **THE COURT:** Okay. Is Torres male?

8 **THE WITNESS:** Yes.

9 **THE COURT:** Okay. These special privileges that you
10 had, do you use the word special privileges, or was that -- how
11 did that phrase come about? I've not heard that phrase.

12 **THE WITNESS:** I just came up with it because I mean it
13 is special. There weren't actual work orders. They were just
14 allowing us to do those things for working hard on other
15 projects.

16 **THE COURT:** And those were -- those were taken away
17 when?

18 **THE WITNESS:** The day after I emailed Deveney saying
19 that people had walked in on me.

20 **THE COURT:** Okay. While I have you here, is there
21 anything else you want me -- you want to tell me about what's
22 going on at Dublin?

23 **THE WITNESS:** Other than -- other than that we're
24 constantly getting yelled at. And it's -- it's terrifying
25 living here. Coming from a state facility where we don't have

1 it. They tried to read it, but it was too lengthy to be
2 reading it on the email. And so I went to the law library and
3 I printed it all off and I made copies. And I gave it to
4 people that requested it that were lead plaintiffs in the suit.

5 Q. Okay. Are you familiar with someone known as Special
6 Investigations Lieutenant Baudizzon or Baudizzon?

7 A. Yes, sir.

8 Q. Who is he?

9 A. He is the lead investigator that I know of at Dublin right
10 now.

11 Q. Okay. Was there ever an instance in which Lieutenant
12 Baudizzon in particular took any kind of action against you
13 that you perceived to be retaliatory?

14 A. He called me in on the day that I printed those off. I
15 believe it was August the 20th or 21st, and he told me that I
16 was in danger and that inmates were complaining about me
17 handing out the Complaint.

18 Q. Okay. So if you could walk the Court through step by step
19 exactly how the interaction with Lieutenant Baudizzon went. So
20 let's start at the beginning. You said he called you in?

21 A. I was in the unit. And the officer said the lieutenant
22 wants you at the lieutenant's office.

23 So I reported to the lieutenant's office. Normally when I
24 spoke to this gentleman, he took me in his office and he put
25 this white noise thing on so that the other employees can't

1 hear what's being said.

2 This time he did something different. He took me in this
3 other area of the lieutenant's office where there are some
4 cells. And he -- he kind of maneuvered me with his body like
5 towards the cells and he started telling me that he was going
6 to have to put me in protective custody if I didn't start
7 handing out those Complaints.

8 Q. Okay. I think you said he maneuvered you somehow by the
9 cells. Could you just tell what you mean by that --

10 A. His body language was such that I believe he was about to
11 lock me up?

12 Q. What do you mean by that?

13 A. Because I had never been taken by those cells before. And
14 those cells -- I've been taken to the SHU before at other
15 facilities. So I know what it feels like when -- when you're
16 about to get locked up. And he was emphatic about not -- that
17 I should not give anyone else those Complaints.

18 Q. So let me stop you there. So you said there are some
19 cells in this part of the lieutenant's office.

20 A. Yes, sir.

21 Q. Had you ever been taken to this particular area before?

22 A. No, sir.

23 Q. Did you have any awareness of its existence prior to you
24 being taken there?

25 A. No, sir.

1 Q. Okay. How did you feel when you were taken to this new
2 part of the lieutenant's office?

3 A. I was afraid because I don't want to go to the SHU.

4 Q. Okay. Did you file a report about this incident?

5 A. Yes. I filed a grievance.

6 Q. Okay. What's a grievance?

7 A. Administrative remedy. I filed a BP-9 and said that --
8 and explained briefly that he had interfered with my right to
9 discuss and assist other inmates with legal issues.

10 MR. CHA-KIM: Okay. Can we briefly put up
11 Exhibit 353, the second page.

12 THE COURT: Do I have a copy?

13 MR. CHA-KIM: It is included in the master set of
14 documents, Your Honor.

15 Q. Rhonda, do you recognize this document?

16 A. It's not on my screen.

17 Q. Oh, I'm sorry.

18 A. Yes. That is my handwriting.

19 Q. Okay.

20 THE COURT: What is the number?

21 THE CLERK: 353, Your Honor.

22 MR. GALVAN: Here is a separate copy.

23 BY MR. CHA-KIM:

24 Q. Rhonda, the Judge has a copy of this exhibit so I'm not
25 going to ask you too many questions about it. I just want to

1 talk to you very briefly about some quick points.

2 What is the date that's referenced here?

3 A. 8/23, sir, August 23rd.

4 Q. What's the date of the activity that you're complaining
5 about on this --

6 A. On August 21st.

7 Q. Okay. At the very end, it says I -- did you write this?

8 A. Yes, sir, I did.

9 Q. "I agreed with him not to give anyone else a copy of the
10 lawsuit. I only agreed to prevent being," and then if we can
11 turn to page 4 of this same exhibit. And if we can -- we don't
12 have to zoom in -- "only agreed so as not to be placed in the
13 SHU."

14 Did you write that?

15 A. Yes, sir.

16 Q. What did you mean by that?

17 A. I believed that he was about to place me in the SHU unless
18 I agreed not to give anyone else a copy of the Complaint.

19 Q. Did you agree to do so?

20 A. Yes, I did.

21 Q. And what happened afterwards?

22 A. He let me go.

23 Q. And then it says, "The next day an officer stated the
24 lieutenant was going to put me in the SHU because officers did
25 not want any inmates with a copy of the lawsuit, specifically

1 those named in the Complaint yet still working around sex abuse
2 victims."

3 What did you mean by that?

4 A. When I went back to the unit, Officer Williams was
5 working, and she said, oh, you thought you were going to the
6 SHU, huh, [name redacted]?

7 And I said yes, ma'am.

8 And she stated that he had gave her basically a heads-up
9 that I might be going to the SHU.

10 Q. What impression, if any, did that statement have on you?

11 A. I was afraid.

12 Q. Why were you afraid?

13 A. Because the SHU is a very uncomfortable and punitive
14 place. It's where a lot of bad things happen to people. And
15 it's just a -- not a place that anyone wants to be.

16 MR. CHA-KIM: Very quickly, Your Honor, for the record
17 we would move to strike an inadvertent mention of a last name.

18 THE COURT: The motion is granted. It's stricken.

19 MR. CHA-KIM: Thank you, Your Honor.

20 Q. Is Lieutenant Baudizzon still on staff at Dublin?

21 A. Yes, sir.

22 Q. Do you know what his role is now?

23 A. He is still the lead investigative officer, sir. He calls
24 us when there's -- all sex abuse of victims are called about
25 every 90 days or 30 days for monitoring to make sure we're not

1 being retaliated against, and he does that.

2 **Q.** Okay. Can you tell the Court what -- I think it's custody
3 status is at the -- at Dublin?

4 **THE COURT:** I don't understand your question.

5 **MR. CHA-KIM:** I'm laying a foundation for the next
6 document I'd like to show as an exhibit, Your Honor. There's a
7 concept called custody status that was affected by an active
8 retaliation, and so I would like the Court to understand what
9 that is. I can just go to the document if that would be
10 easier.

11 **THE COURT:** Okay.

12 **MR. CHA-KIM:** Should I go to the document?

13 **THE COURT:** You should.

14 **MR. CHA-KIM:** Thank you, ma'am.

15 Can we put up -- I'm sorry. Can we -- we would move to
16 admit Exhibit 353.

17 **THE COURT:** It's admitted.

18 (Plaintiffs' Exhibit 353 received in evidence)

19 **MR. CHA-KIM:** Can we please publish Exhibit 23,
20 page 1.

21 **Q.** There is some water there for you, Rhonda, if you need it.

22 Rhonda, what is this document?

23 **A.** This is the female custody classification form.

24 **Q.** What is that?

25 **A.** It tells you what your custody classification is. Most

1 inmates at FCI Dublin are in-custody inmates. I was an
2 out-custody inmate.

3 Q. What does that mean to be an out-custody inmate?

4 A. What it means to be an out-custody inmate is that if you
5 have to go to a community medical appointment, you do not have
6 to be handcuffed. Normally out-custody inmates are held at
7 prison camps.

8 I have two parents that are elderly. If something would
9 happen to them that I had to go to the hospital or God save
10 like they passed, I would be able to go to a funeral as an
11 out-custody inmate. If you're an in-custody inmate, it's
12 unheard of to go to a funeral or hospital visit for your
13 family.

14 Q. Turning your attention to the date at the top right corner
15 there, what is that date, to your understanding?

16 A. It's July 10th of 2023, sir.

17 Q. And what does that reflect on this document?

18 A. It reflects that on that date, my custody was out-custody
19 and it also said to decrease, which means that I should be
20 removed from the facility that I was at.

21 Q. Okay. So let me stop you for a second there. So July 10,
22 2023 --

23 THE COURT: Okay. You have got to slow down again.

24 MR. CHA-KIM: I apologize.

25 THE COURT: I'm trying to follow here and you're not

1 helping.

2 **MR. CHA-KIM:** Understood, ma'am.

3 **THE COURT:** Okay. So I've got the out-custody status.

4 I have the date. Okay. Now what's the next step?

5 **BY MR. CHA-KIM:**

6 **Q.** So, [name redacted] --

7 **MR. CHA-KIM:** Excuse me. Move to strike my use of the
8 last name.

9 **THE COURT:** Granted.

10 **BY MR. CHA-KIM:**

11 **Q.** Rhonda, there's a different date under something that says
12 identifying data, and it says form date, March 7th, 2023. Do
13 you see that?

14 **A.** Yes, sir.

15 **Q.** Okay.

16 **THE COURT:** I don't -- okay. All right. Go ahead.

17 **BY MR. CHA-KIM:**

18 **Q.** Now, to your understanding, what date or what information
19 does that date reflect?

20 **A.** That was the date that my case manager, Mr. Stanfield, did
21 a calculation, his calculation. And based on these points, he
22 calculated that my security -- total security level was a 14
23 and custody level was out-custody.

24 **Q.** Okay. And where do you see that information reflected on
25 this document?

1 A. It's on the bottom where it says level and custody
2 summary.

3 Q. Okay. Could we turn to page 2.

4 Rhonda, back to where it says form date.

5 A. Yes, sir.

6 Q. So this is a different document; correct?

7 A. It's a data for a different day. It still is the custody
8 classification form.

9 Q. So can you tell from this document what date it says the
10 calculation for your status was supposedly made?

11 A. On 9/28/23, I asked for my -- for this form.

12 Q. Okay. And does it still reflect, according to where it
13 says form date, the same meeting you had with Mr. Stanfield
14 that you were just referring to?

15 A. Correct.

16 Q. Is there anything different now about the information on
17 your sheet versus the one from July?

18 A. They changed my custody to in-custody.

19 Q. Is any of the point information you were just describing
20 elsewhere on this line different?

21 A. No, sir.

22 Q. Are you aware of any reason why your custody status should
23 suddenly change from out to in, in this manner?

24 A. They changed the custody status to retaliate against me
25 for my activities in assisting inmates in this matter, in this

1 case.

2 Q. Do you recall what date you filed that report against
3 Mr. Baudizzon?

4 A. In August, sir.

5 Q. Of what year?

6 A. Of '23.

7 Q. And what's the date that you pulled this document?

8 A. On September 28th, sir.

9 Q. Of what year?

10 A. 2023.

11 MR. CHA-KIM: Could we put up Exhibit 345.

12 We move to admit Exhibit 23, Your Honor.

13 THE COURT: Admitted.

14 (Plaintiffs' Exhibit 23 received in evidence.)

15 BY MR. CHA-KIM:

16 Q. Rhonda, do you recognize this document?

17 A. Yes, sir.

18 Q. Quick summary, what is this document?

19 A. This is a BP-10 that we sent to the regional director.

20 THE COURT: Hold on. What number are we talking about
21 now?

22 MR. CHA-KIM: This is Exhibit 345, Your Honor.

23 THE COURT: Hold on.

24 Proceed.

25 / / /

1 not at this institution, but it happened.

2 Q. Okay. You also wrote, "Please refer to Internal Affairs."
3 Do you see that?

4 A. Yes, sir.

5 Q. To your knowledge, did Internal Affairs ever contact you
6 about this?

7 A. No, sir.

8 MR. CHA-KIM: I would like to move to admit 345,
9 Your Honor.

10 THE COURT: Admitted.

11 (Plaintiffs' Exhibit 345 received in evidence)

12 BY MR. CHA-KIM:

13 Q. Rhonda, around this time, June, July, August, 2023, did
14 you experience any issues with receiving your legal and other
15 mail?

16 A. Yes, sir, I did.

17 Q. What kind of issues?

18 A. There were probably four to six weeks without receiving
19 mail. And I kept asking about mail because I communicated with
20 attorneys and family members that were emailing me and telling
21 me they had sent things in the mail.

22 MR. CHA-KIM: Can we put up Exhibit 366.

23 Q. Rhonda, do you recognize this document?

24 A. Yes, sir.

25 Q. Okay. Is it a similar administrative remedy request form

1 as before?

2 A. Well, this was a BP-9.

3 MR. CHA-KIM: Hold on one second.

4 THE COURT: All right. I have it.

5 MR. CHA-KIM: Thank you, Your Honor.

6 Q. Does this document reflect complaints you made about the
7 subject we were just talking about?

8 A. Yes, sir.

9 Q. Okay. Rhonda, around this time, did you experience issues
10 accessing medicines?

11 A. I'm sorry. Would you repeat that, please?

12 Q. Around this time, did you experience any issues accessing
13 medicines from Dr. Fisch?

14 A. Yes, I did.

15 Q. What kind of issues?

16 A. I was denied my medications.

17 Q. Around this time, did you experience issues about access
18 to the commissary?

19 A. Yes, I did. I emailed California Coalition for Women
20 Prisoners for help. I also emailed the U.S. Attorney and other
21 prisoner advocates because they were intentionally shutting
22 down the commissary to punish us.

23 Q. Did you file administrative or other grievances about
24 these issues?

25 A. Yes, sir, I did.

1 **THE COURT:** We're just using --

2 **THE WITNESS:** Yes, ma'am.

3 **THE COURT:** So that is stricken. We will call her LB.

4 **THE WITNESS:** Yes, ma'am. I'm sorry.

5 **BY MR. CHA-KIM:**

6 **Q.** Let's move on. I apologize, but in interests of the late
7 hour.

8 **A.** Yes, sir.

9 **Q.** Rhonda, around that time that you were speaking with
10 investigators and had this interaction with Mr. Williams, were
11 you taking any steps to get a transfer to home confinement?

12 **A.** Yes, sir, I was.

13 **Q.** Okay. And why were you doing that?

14 **A.** I qualified one hundred percent for home confinement. I
15 have a provisional diagnosis for COPD, coughing spasms and many
16 other medical problems. And I -- and I qualified for it. And
17 my case manager was trying to send me to home confinement.

18 **Q.** Okay.

19 **THE COURT:** Who is your case manager?

20 **THE WITNESS:** Mr. Shirley, Your Honor.

21 **MR. CHA-KIM:** Can we quickly put up Exhibit 19,
22 page 15, please.

23 **THE COURT:** To the extent, it's not been offered, 345
24 and 366 are admitted.

25 (Plaintiffs' Exhibits 366 received in evidence)

1 **THE COURT:** Who is the judge who sentenced you?

2 **THE WITNESS:** Judge Gray H. Miller in Houston, Texas,
3 ma'am.

4 **THE COURT:** Male or female?

5 **THE WITNESS:** He is a man, ma'am.

6 **MR. CHA-KIM:** May I proceed?

7 **THE COURT:** I've got to get the exhibit. You said the
8 next one is 19?

9 **MR. CHA-KIM:** Yes, ma'am. Exhibit 19, page 15.

10 **Q.** Rhonda, do you recognize this document?

11 **A.** Yes, sir.

12 **Q.** Okay. What do you understand this document to be?

13 **A.** I was approved for transfer to home confinement.

14 **Q.** Okay. And how do you know that it shows you were approved
15 for transfer to home confinement?

16 **A.** Because that's what the document says, transfer to home
17 confinement, Houston, Texas, transfer date, November 1st, 2022,
18 sir.

19 **Q.** Were you in fact ever allowed to be transferred to home
20 confinement?

21 **A.** No, sir.

22 **Q.** Lieutenant Williams that you mentioned, is he still on
23 staff?

24 **A.** Yes, sir.

25 **Q.** Okay. Have you had occasion to interact with him since

1 **THE COURT:** So you hadn't talked to anybody about the
2 two officers? This was the first?

3 **THE WITNESS:** I had -- I had spoke to my boss directly
4 at the time, my supervisor, about one of the officers.

5 **THE COURT:** Okay. And -- and not about the other?

6 **THE WITNESS:** Not about the other.

7 **THE COURT:** Okay. Go ahead.

8 **BY MS. SPIEGEL:**

9 **Q.** You mentioned that the email you sent was, in your words,
10 you said routed back?

11 **A.** Yes.

12 **Q.** Can you explain what made you think that?

13 **A.** When we originally went to the meeting, I thought that I
14 was going to be seen by someone from central office, not like
15 necessarily someone from Dublin.

16 **Q.** And that was your impression based on the --

17 **A.** That was my impression.

18 **Q.** Okay. I'm going to switch gears.

19 Are you familiar with the privacy screens on computers at
20 Dublin?

21 **A.** Yes.

22 **Q.** Have you used computers with those screens on them?

23 **A.** Yes.

24 **Q.** And have you watched other people use the computer with
25 those screens on them?

1 **A.** Yes.

2 **Q.** Can you please, for the Court, just describe how the
3 screen works. And you can use the screen --

4 **A.** It's like a plastic screen protector that goes over the
5 screen, and it has like some kind of tint.

6 **Q.** And so if you were sitting where you are right now, would
7 you be able to see everything on the screen?

8 **A.** Yes.

9 **Q.** What if you were sitting -- you were standing against that
10 marble wall?

11 **A.** Yes.

12 **Q.** And how can that be if the screen is a privacy screen?

13 **A.** I think because the tint or the quality of the screen is,
14 in my words I would say cheap. So it's not doing, I think,
15 what the intended purpose was, was to protect people from
16 reading or seeing what you are doing on the computer.

17 **Q.** So would you feel comfortable writing an email that you
18 didn't want others to see at the computer --

19 **A.** No.

20 **Q.** And just one last question about reporting. What would it
21 take for you to feel like you could confidentially report
22 sexual harassment or abuse that you had witnessed or
23 experienced?

24 **A.** I think if we had some kind of third-party agency or
25 third-party reporting that had nothing to do with the BOP or

1 any of the staff members that work there. Maybe a separate
2 agency that could handle these things or oversee them without
3 it being a person that it has any relation to any employee or
4 person that is being either complained about or wanting to be
5 investigated.

6 Q. And to the best of your knowledge, is there any such
7 mechanism available to you today?

8 A. I don't think so.

9 Q. I have just a few questions about commissary.

10 A. Yes.

11 Q. Are there items that you regularly buy at commissary?

12 A. Yes.

13 Q. What are they?

14 A. Hygiene, food, clothing.

15 Q. Do you take any medications?

16 A. Yes.

17 Q. Do you have to purchase any of those?

18 A. Yes.

19 Q. What's an example?

20 A. An example would be like I have acid reflux or
21 gastrointestinal problems and I have to purchase medication
22 from the commissary.

23 Q. Any other medications that you purchase?

24 A. Just regular like Tylenol or Excedrin for headaches.

25 Q. And have you always had to purchase those medications?

1 **A.** Not all of them. For instance, for my gastrointestinal, I
2 have what they call chronic care. So in the past, I didn't
3 have to pay for that medication. I would get it from the
4 institution for free from medical.

5 **Q.** When did that change?

6 **A.** Maybe about four months ago.

7 **Q.** Okay. And how much does it cost you per month to buy that
8 medication now?

9 **A.** Each bottle is about 20 tablets. It's like -- a little
10 under \$5. So it's probably about \$10 a month.

11 **Q.** And you said you've been at FCI Dublin for about 15 years.
12 In that time, have the prices at commissary gone up?

13 **A.** Yes.

14 **Q.** And in that time, have wages gone up?

15 **A.** No.

16 **Q.** Okay. And in your time at FCI Dublin, have you had visits
17 from lawyers?

18 **A.** Yes.

19 **Q.** When did you most recently meet with lawyers?

20 **A.** Like two days ago, maybe.

21 **Q.** And were you strip searched after that visit?

22 **A.** Yes.

23 **Q.** Before -- was that with lawyers regarding this lawsuit?

24 **A.** Yes.

25 **Q.** In your time at Dublin, before anything related to this

1 lawsuit, had you met with lawyers?

2 A. Yes.

3 Q. Do you recall when?

4 A. Maybe sometime beginning last -- last year.

5 Q. Okay. And were you strip searched after meeting with
6 them?

7 A. No.

8 Q. And do you personally know of anyone who has decided not
9 to meet with a lawyer because they knew they would be strip
10 searched afterward?

11 A. Yes.

12 Q. How do you know that?

13 A. Because I talked to the person in the unit and I seen how
14 when we were waiting for the attorneys and she came in, because
15 we were being pat searched as soon as we got there, she was
16 discouraged. She's like no, I'd rather not do this. And she
17 turned away and didn't have her visit.

18 Q. In your time at FCI Dublin, do you feel that you're any
19 safer now than you've been in the past?

20 A. No.

21 THE COURT: Really? I have sentenced five people, and
22 I've got more under indictment, and you don't feel safer?

23 THE WITNESS: No.

24 THE COURT: Okay. So what other sexual abuse have you
25 seen since I started sentencing?

1 (Discussion held off the record.)

2 **THE COURT:** All right. In terms of Monday, Ms. Reese.

3 **MS. REESE:** Yes, Your Honor.

4 **THE COURT:** Come on forward. I'm going to want to
5 hear from you in terms -- and I'm not going to put you on the
6 spot today. It's already late. I'm going to want to know from
7 you whether you think things are working as well as you thought
8 they were working after what you heard today.

9 You know, witnesses have credibility issues. All
10 witnesses do on both sides. But there are some concerns that I
11 have about your assumption that everybody seems to still trust
12 the process and so a mechanism that you put in place to address
13 issues, whether that was prematurely stopped.

14 **MS. REESE:** Are you referring to the email,
15 Your Honor?

16 **THE COURT:** To the task force --

17 **MS. REESE:** The task force email?

18 **THE COURT:** -- email.

19 **MS. REESE:** Okay.

20 **THE COURT:** There is also quite a bit, I think, of
21 miscommunication in terms of confidentiality. And I will be
22 going over my notes and likely ordering some very easy-to-fix
23 communication notices that will, in my view, need to be put up
24 everywhere in that facility.

25 We are not done, but I think I've got concerns. So I'm

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CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

DATE: Friday, January 5, 2024

Pamela Batalo Hebel

Pamela Batalo Hebel, CSR No. 3593, RMR, FCRR
U.S. Court Reporter

Volume 4

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Yvonne Gonzalez Rogers, Judge

CALIFORNIA COALITION FOR WOMEN)
PRISONERS, ET AL.,)

Plaintiffs,)

VS.)

NO. CV 23-04155-YGR

UNITED STATES OF AMERICA)
FEDERAL BUREAU OF PRISONS,)
ET AL.,)

Defendants.)

Oakland, California
Monday, January 8, 2024

EVIDENTIARY HEARING

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Reported By: Pamela Batalo-Hebel, CSR No. 3593, RMR, FCRR
Official Reporter

1 **THE COURT:** I'm going to strike that question. Don't
2 put words in her mouth.

3 **MS. JANSSEN:** Of course.

4 **Q.** Have you felt that you've experienced retaliation due to
5 accessing counsel or coming to this court?

6 **A.** Yes, Your Honor -- yes, ma'am.

7 **Q.** In what ways?

8 **A.** The way that I'm treated in my work assignment. I have
9 experienced multiple different staff talk to me and tell me
10 things like we all know what happened to you here.

11 Or say, for example, my boss told me that -- my boss told
12 me you don't want -- because I have a goal of wanting to own a
13 butcher shop. And my boss told me you don't want to own a
14 butcher shop. You want to sell drugs for the rest of your
15 life. You came to prison to learn how to sell drugs better.
16 That was a comment that was made to me.

17 But I go to college five days a week. So I think it's a
18 little strange that I'm trying to learn how to sell drugs
19 better, but I'm getting a college education every day.

20 **Q.** Have you felt retaliated against in any other ways?

21 **A.** Yes.

22 **Q.** And in what ways?

23 **A.** When we go to our legal visits, there's a constant -- a
24 new policy or a new rule that they want to start to follow.
25 You know, we've been coming to these legal visits for quite

1 some time, and it's just a new thing to me every time we go
2 visit.

3 Q. And what rule is that?

4 A. Having to be watched while urinating in the visitation
5 room with two officers have to watch us while we're going to
6 the bathroom while our attorneys are 20 feet away from us.

7 Q. I'm going to pause you for a second. Did you have a legal
8 visit in December of 2023?

9 A. Yes.

10 Q. Did have you to go to the bathroom during that legal
11 visit?

12 A. Yes.

13 Q. Were you able to go to the bathroom?

14 A. My stomach hurt really bad. And they were making it seem
15 like either I have to go talk to my attorney or go to the
16 bathroom. Or it -- they were making it seem like I wasn't
17 going to be able to talk to you if I had to go use the
18 bathroom.

19 Q. And on that occasion, were they going to watch you in the
20 bathroom?

21 A. And they were going to watch me go to the bathroom, and I
22 expressed that that was going to make me extremely
23 uncomfortable because I'm sick -- I was sick.

24 And they were like, well, it's either you go back to the
25 housing unit and use the bathroom or you see your attorney.

1 And so that's --

2 Q. What did you decide to do?

3 A. I said I'm going to see my attorney.

4 Q. So you just didn't go to the bathroom?

5 A. I just didn't go to the bathroom.

6 Q. And after that visit, were you also strip searched?

7 A. Yes, ma'am.

8 Q. Prior to December of 2023, had you ever had to go to the
9 bathroom during a legal visit?

10 A. Yes.

11 Q. And on those occasions prior to December 2023, did staff
12 ever watch you?

13 A. No, Your Honor -- no, ma'am.

14 THE COURT: Jennifer, have you been advised that strip
15 searches are BOP policy nationwide for visits -- after every
16 visit with the public?

17 THE WITNESS: So that's what they were just -- one of
18 our lieutenants were explaining that to us at the visit. And
19 he's like I -- he said that I understand you guys aren't used
20 to this, but this is policy. And our policy hasn't really been
21 clear on what -- what is supposed to be happening to us. In
22 the beginning, we never even --

23 THE COURT: But they did tell you it's nationwide
24 policy?

25 THE WITNESS: Yeah. Mr. -- Lieutenant Sanchez was

1 that I've been through.

2 And it's five sessions. The lady listens to you. And
3 that's it. And I don't even really remember her talking much.
4 And then it was do you want another session?

5 And I said, well, since I only get five, let's spread it
6 out. And then I didn't reach out to see them again.

7 **THE COURT:** These were in person, though?

8 **THE WITNESS:** Yes, ma'am.

9 **THE COURT:** Okay. Thank you.

10 **BY MS. JANSSEN:**

11 **Q.** And why didn't you reach out again to Tri-Valley?

12 **A.** I felt like I didn't get what I needed. It wasn't helpful
13 to me, just telling somebody all my deepest, darkest secrets,
14 and I didn't get no -- any -- I didn't get like a response or
15 some tools or anything like that. It was just like a vent
16 session and then, bye, that was it.

17 So I just told a stranger my deepest, darkest secrets, and
18 then they just gotta leave and go on about their way. It left
19 me empty.

20 **Q.** And I just I have, I think, one other question.

21 Are you typically searched before you have visits with
22 attorneys or victim advocates?

23 **A.** No.

24 **Q.** Have you ever been searched prior to a meeting with an
25 attorney or a victim advocate?

1 **A.** Yes.

2 **Q.** And to be clear, was that meeting with an attorney or a
3 victim advocate?

4 **A.** A victim advocate.

5 **Q.** And what happened?

6 **A.** One morning I was reporting to food service to let them
7 know that I had a -- a call-out or to meet with my victim -- my
8 victim support advocate.

9 And I'm a college student, so I have a very big college
10 bag that I take with me everywhere I go. And it's the same
11 routine I do every day. I take my college bag to food service,
12 because I have to go from food service to education.

13 And for some reason, the same morning that I was reporting
14 to work, my bag got searched that morning. And I do the same
15 routine every day, so to me it was a little off. A food
16 service employee continued to search my bag. And when I got to
17 my notebook, I said will you please be careful with that. That
18 was my victim impact letter. So I'm very cautious about it.

19 I told the officer, I said, will you please be very
20 careful with that notebook. I feel highly uncomfortable with
21 you touching it. There is nothing to hide, but you need to
22 have somebody else there while you're touching that.

23 She proceeded to continue to touch my notebook. And I
24 told her to look at it upside down. I feel like you're reading
25 my stuff. And I -- I became very hysterical because that was

1 my privacy of what I was reading and writing to the Judge about
2 my victim impact.

3 She proceeded like as if I was hiding something and called
4 another officer, which when he got there, he started to go
5 through my belongings and that notebook as well, kind of like
6 antagonizing me with that notebook.

7 And I just was extremely uncomfortable. And they searched
8 my stuff and took three sticky notes to the lieutenant's office
9 to have them tested for substances, where that -- and then they
10 proceeded to tell me I can go.

11 Where later on that day, they brought me my sticky notes
12 back and said thank you because it was nothing on it so...

13 Q. And are you afraid you will be retaliated against after
14 testifying today?

15 A. Yes.

16 Q. Why?

17 A. Because it's happened before.

18 Q. When you say it's happened before, what do you mean?

19 A. When I came to the court hearing for Jones, I feel like
20 they target me. Oh, did you go where you need to go? Or are
21 you ready for your -- are you ready for your meeting with your
22 attorneys or your interview? Or weird comments like that all
23 the time.

24 Q. Thank you. No further questions.

25 THE COURT: Cross?

1 **MS. KHABBAZ:** Luma Khabbaz for the plaintiffs.

2 **Q.** And just for the sake of this questioning, when I ask you
3 questions, please try to do your best to answer with things
4 that you've personally observed and seen.

5 **A.** Okay.

6 **Q.** Tyra, are you currently incarcerated?

7 **A.** Yes, I am.

8 **Q.** Where are you currently incarcerated?

9 **A.** FCI Dublin.

10 **Q.** Is that at the prison or the camp facility?

11 **A.** Prison.

12 **Q.** Have you been at the FCI portion your whole time?

13 **A.** Yes, I have.

14 **Q.** And, Tyra, have you experienced recent staff sexual
15 harassment at FCI Dublin?

16 **A.** Yes.

17 **Q.** And when did this happen?

18 **A.** It happened for the first time in June.

19 **Q.** June of which year?

20 **A.** 2023.

21 **Q.** And where did it happen?

22 **THE COURT:** Well, I have a declaration from her.

23 **MS. KHABBAZ:** Sure. You do have a declaration.

24 **Q.** So the Judge has your declaration and she has read it so
25 we can be brief when we discuss these incidents.

1 So where did this happen?

2 A. In the shower.

3 Q. And can you just briefly tell us what happened and who it
4 was with?

5 A. It was with a correctional officer there at the prison,
6 and he --

7 Q. What's his name?

8 A. Officer Cooper. And he opened my shower curtain while I
9 was showering.

10 Q. And how did that make you feel?

11 A. It made me feel really scared and confused.

12 Q. Did he open it and close it quickly, or how did that
13 happen?

14 A. No. He opened it and I had to close it back myself, but
15 he opened it and stood there and stared at me.

16 Q. And to your knowledge, does Officer Cooper still work
17 there?

18 A. He does.

19 Q. Does he work in your unit?

20 A. No.

21 Q. Do you ever see him?

22 A. If I go to rec, yes.

23 Q. And have you been recently harassed by any other officers
24 at FCI Dublin?

25 A. Yes, I have.

1 Q. Which officer?

2 A. Officer Henry.

3 Q. And when did this happen?

4 A. This happened...

5 Q. Approximately?

6 A. Approximately December.

7 Q. Of which year?

8 A. 2023.

9 Q. And what happened?

10 A. He was at my door after lockdown and was saying that he
11 got me out of a shot, that I owe him.

12 Q. And just -- did he do anything else that made you
13 uncomfortable?

14 A. Yeah. His body language, he was just like pretty much
15 really just up on me, like really close to me. And I had to
16 push him away from my door so that we can be in the hallway and
17 be under a camera. And...

18 Q. And how did it make you feel hearing him say that you owed
19 him for not giving you a shot?

20 A. It -- I was exhausted and just -- just livid.

21 Q. Can you explain a little bit why?

22 A. Because I -- I knew what he was insinuating.

23 Q. And what did you believe he was insinuating?

24 A. For me to repay him in sexual favors.

25 Q. And to your knowledge, is Officer Henry a new officer?

1 A. Yes, he is.

2 Q. And is he still working at the facility?

3 A. At the moment, I am not sure because I had went to talk to
4 psychology, and I haven't seen him.

5 Q. Okay. When was the last time you saw him?

6 A. January 3rd -- I mean, January 2nd.

7 Q. And have you experienced -- sorry. Strike that.

8 You mentioned that you still see Officer Cooper even
9 though he doesn't work in your unit. Can you describe those
10 encounters?

11 A. Yes. When I'm walking to rec, when I'm going to rec.

12 Q. And does he do anything when you see him?

13 A. He just stares at me until I look up at him.

14 Q. How does that make you feel?

15 A. It makes me feel really just like -- I'm sorry. I can't
16 really -- I'm trying to find the right word to use how he makes
17 me feel. Because he makes me really feel emotional every time
18 I see him, and weak and controlled.

19 Q. Now, shifting a little bit, have you ever witnessed staff
20 sexually abuse or harass other incarcerated people recently?

21 A. Yes.

22 Q. And can you explain what you saw?

23 A. One of our officers -- our staff in medical, he came in
24 and immediately started saying who's in the shower, who's ever
25 in the shower, and went to every shower to see if an inmate was

1 in the shower, and was telling them like you have to get out of
2 the shower, it's time to get out the shower, you need to get
3 out the shower and would stand there until they get out.

4 Q. Do you know this officer's name?

5 A. Yes. Officer Singh.

6 Q. Now, shifting a little bit, when you arrived at Dublin,
7 were you provided information about how to respond to sexual
8 abuse?

9 A. No.

10 Q. Were you provided information after the point when you had
11 arrived, more recently?

12 A. Well, from just like the posters we seen but like from
13 staff, no.

14 Q. What do the posters describe?

15 A. Ways to report a PREA through emailing or calling or
16 writing or telling a staff member.

17 Q. And have you ever reported a PREA?

18 A. I have.

19 Q. And can you tell us about that?

20 A. I had emailed SIS and the OIG and I -- when I seen the
21 lieutenant, I immediately told the lieutenant.

22 Q. And which officer was this about, this report?

23 A. Officer Cooper.

24 Q. And what happened after you emailed SIS and reported
25 Officer Cooper?

1 **THE COURT:** Putnam?

2 **THE WITNESS:** No. No. He's -- no. I can't remember
3 his name. I'm sorry.

4 **THE COURT:** What did he look like?

5 **THE WITNESS:** He was Hispanic and he had like a short
6 fade bald head and it was balding like right here. I haven't
7 seen him actually since last year, around that time. So I
8 don't know if he had left or -- but I know he wasn't like one
9 that's always, always there. Like every now and then he would
10 come to fill in.

11 **BY MS. KHABBAZ:**

12 **Q.** You said that you saw Lieutenant Hardy when she served you
13 your shot. Can you explain what that shot was for?

14 **A.** The shot was for -- for saying that I was falsifying and
15 not obeying a direct order.

16 **Q.** And still talking about reporting, have you ever heard of
17 an OIA representative in the prison?

18 **A.** No.

19 **Q.** Have you ever tried calling Crime Stoppers?

20 **A.** I did and they didn't answer.

21 **Q.** When was this?

22 **A.** When I had reported Officer Cooper.

23 **Q.** And have you ever tried to report Cooper to Lieutenant B?

24 **A.** I did.

25 **Q.** And how did that go?

1 **A.** Well, when I had -- when I was walking to rec one day, and
2 he smirked at me --

3 **THE COURT:** Who is he?

4 **THE WITNESS:** Officer Cooper smirked at me, and I went
5 to the lieutenant's office to tell Lieutenant Calderon, and she
6 told me, well, just walk -- walk the other way when you see him
7 or don't go to rec, pretty much.

8 And when Mr. B -- when he came back, I asked to speak to
9 him. He was like when he -- when he get a chance. But he did
10 come see me like -- like way later on, like down the line.

11 **BY MS. KHABBAZ:**

12 **Q.** And have you ever been prevented from reporting by any
13 officer or felt --

14 **A.** Yeah. Because we would ask them like can we go to the
15 lieutenant's office or can you call SIS Ferguson so I can speak
16 to them. And they would pretty much try to stall.

17 And one time I did ask can I speak to Mr. Ferguson, and
18 the Captain Quezada she told me no and that I was pretty much
19 forced to talk to her.

20 **Q.** And after reporting Officer Cooper, did you ever face any
21 retaliation?

22 **A.** Yes.

23 **Q.** Can you explain what that was?

24 **A.** Immediately a week after I reported, I received a shot
25 from a CO. And then another officer, Cooter, she came and did

1 whenever they come to see me. And I haven't been on any
2 call-out.

3 Q. When was this that you reached out?

4 A. In June, July.

5 Q. Shifting to access to your lawyers, have you used the
6 pilot phone line in the unit to talk to lawyers?

7 A. Yes, I have.

8 Q. What's your experience with that phone?

9 A. The phone, the whole system is really good. They just
10 have one phone in each unit. And in our unit, that phone
11 happens to be in our video visiting room.

12 And so we have access to it, but a lack of it because a
13 lot of people are visiting every 30 minutes, every hour. So if
14 we want to -- if we're in the middle of a conversation and it's
15 someone's video visit, we have to hang up with our lawyer and
16 allow the girls to do their video visit.

17 Q. And what's your experience been adding in phone numbers to
18 the phone line?

19 A. When I had asked to get my public defender's number put
20 in, it took about four weeks to a month.

21 Q. Tyra, have you attended any in-person legal visits
22 recently?

23 A. Yes, I have.

24 Q. And when were your most recent visits?

25 A. January 2nd and December 19th.

1 **THE COURT:** Back on that phone issue, when was that
2 that you tried to get it programmed in?

3 **THE WITNESS:** Last year.

4 **THE COURT:** Was it at the very start of the program?

5 **THE WITNESS:** No. No. It was like -- like sometime
6 in like August, September when I got it put in.

7 **THE COURT:** And you said your public defender, so not
8 any of the civil lawyers.

9 **THE WITNESS:** No.

10 **THE COURT:** This is on your criminal case?

11 **THE WITNESS:** Uh-huh.

12 **THE COURT:** That's a "yes"?

13 **THE WITNESS:** Yes.

14 **THE COURT:** Okay.

15 **BY MS. KHABBAZ:**

16 **Q.** So you said you attended legal visits December 19th and
17 January 2nd. Were you strip searched after either of these
18 legal visits?

19 **A.** Yes. At the -- for the first time, December 19th.

20 **Q.** And had you attended legal visits prior to December 19th?

21 **A.** Yes.

22 **Q.** Were you strip searched after those?

23 **A.** No.

24 **Q.** Now, focusing in on your December 19th visit --

25 **THE COURT:** With respect to that, did they advise you

1 at the time that this was nationwide BOP policy?

2 THE WITNESS: Ma'am?

3 THE COURT: The strip search.

4 THE WITNESS: No.

5 THE COURT: Did someone tell you that?

6 THE WITNESS: No.

7 THE COURT: That it was BOP policy nationwide to do
8 this?

9 THE WITNESS: No.

10 THE COURT: Proceed.

11 BY MS. KHABBAZ:

12 Q. After your December 19th visit after you were strip
13 searched, did anything else happen after this visit?

14 A. Yes. I was allowed to go to main line. And as I was
15 heading over to main line, I was standing in line, Officer
16 Solordio --

17 THE COURT: Officer who?

18 THE WITNESS: Solordio. I don't think I'm pronouncing
19 it right, but it's Solordio. The officer had asked me what did
20 I have in my pocket, and I told him, I said, it's my hat.
21 And -- sorry.

22 BY MS. KHABBAZ:

23 Q. It's okay. Take your time.

24 A. But I told him it was my hat in my pocket.

25 And he was like what else do you have?

1 Q. Were you trained with anybody else?

2 A. No.

3 Q. So in this training with you and Officer Narayan, did
4 anything happen during that training that made you feel
5 uncomfortable?

6 A. Yes. He made certain open-end remarks to me. And he also
7 had touched my lower back.

8 Q. Why did those remarks -- what about the remarks made you
9 feel uncomfortable?

10 A. Just the fact that, you know, he told me that I was really
11 lucky that there was cameras in the room. It -- it made me
12 feel like he was insinuating if there wasn't cameras in the
13 room, that maybe something might happen.

14 Q. And did he touch you at all during this training?

15 A. Yeah. Yes.

16 Q. Where did he touch you?

17 A. On my lower back.

18 Q. How long did he touch you for, if you recall?

19 A. Just a couple of seconds.

20 Q. Was there anything else that happened during this training
21 that made you feel uncomfortable?

22 A. He had asked me to come into his office.

23 Q. And why did that make you feel uncomfortable?

24 A. Because there's no cameras in there. It was just me and
25 him alone in there and out of view of the other workers that

1 were in the warehouse.

2 Q. Did you go into his office?

3 A. I did.

4 Q. And how long were you in the office for?

5 A. Probably less than a minute.

6 Q. What happened after this?

7 THE COURT: Did anything happen?

8 THE WITNESS: Like what?

9 THE COURT: When you went into the office for that
10 minute, did anything happen?

11 THE WITNESS: I just grabbed a test from him and then
12 I left.

13 THE COURT: Grabbed his?

14 THE WITNESS: I grabbed a test for the forklift
15 training, and then I walked out.

16 THE COURT: Okay. Thanks.

17 BY MS. JANSSEN:

18 Q. What happened after this?

19 A. I just went back to our unit.

20 Q. Did you report anything about what happened?

21 A. No, I didn't.

22 Q. But did anyone come to talk to you about it?

23 A. Yes. One of the other commissary supervisors came and
24 called me into her office to talk to me about it.

25 Q. How long after the training was this?

1 **A.** About an hour or two.

2 **Q.** So you hadn't reported anything?

3 **A.** No. I hadn't said anything.

4 **THE COURT:** Who asked you? Who was that officer?

5 **THE WITNESS:** Officer Lopez.

6 **BY MS. JANSSEN:**

7 **Q.** What happened when she called you into her office?

8 **A.** She called me into her office and she told me that I was
9 being inappropriate with her coworkers and that I needed to
10 stop and that was an official warning.

11 **Q.** Do you know how she found out what happened?

12 **A.** I imagine that one of the other workers --

13 **THE COURT:** So you don't know?

14 **THE WITNESS:** No.

15 **BY MS. JANSSEN:**

16 **Q.** Did she -- did -- did she provide you with any paperwork
17 at this meeting, any report, anything like that?

18 **A.** No.

19 **Q.** So what happened after this meeting?

20 **A.** A day later I was fired from my job.

21 **Q.** And that was your job in the food service warehouse?

22 **A.** Yes.

23 **Q.** Okay. How did you find out that you were being fired from
24 your job?

25 **A.** I went to work and my work supervisor told me that I'm not

1 allowed to be there and that they're most likely going to
2 reassign me.

3 Q. Did you ask why?

4 A. I did.

5 Q. Did anyone explain to you why you were losing your job?

6 A. No.

7 Q. Was your job reassigned?

8 A. It was.

9 Q. What is your new job?

10 A. I am an orderly and I clean the showers in our unit.

11 Q. How much -- how many hours a week were you able to work in
12 your old job?

13 A. Seven to eight hours a day. So like 35, up to 40 hours a
14 week.

15 Q. And how much were you able to make in that job?

16 A. At least \$44 a month.

17 Q. And in your new job, how many hours a day can you work?

18 A. We can work up to half an hour a day.

19 Q. And how much do you make in a given month with your new
20 job?

21 A. Probably up to like \$5.

22 Q. And how has that impacted you?

23 A. Well, I can't pay my restitution anymore with the money
24 that I'm working -- that I'm making from work.

25 Q. Have you asked to change jobs?

1 **A.** I have.

2 **Q.** What was the response?

3 **A.** That that's not going to be possible.

4 **THE COURT:** Who did you ask?

5 **THE WITNESS:** I asked Mrs. Agostini and Ms. Campos.

6 **BY MS. JANSSEN:**

7 **Q.** Do you see this new job as a better or worse job?

8 **A.** It's a worse job.

9 **Q.** In what ways?

10 **A.** It's probably one of the dirtier jobs that we have. There
11 is not a lot of work. There's no opportunity to move up in our
12 job. And there's a considerably less pay, so...

13 **Q.** Were other people's jobs reassigned at this time?

14 **A.** Not during the same time that mine was, no.

15 **Q.** Have you met with legal counsel at the camp?

16 **A.** Yes.

17 **Q.** Have you experienced any retaliation after any of those
18 legal visits?

19 **A.** Not necessarily.

20 **Q.** Are you afraid at all you'll be retaliated against after
21 testifying today?

22 **A.** Yes.

23 **Q.** And why is that?

24 **A.** Because there's been a lot of other retaliation going on
25 with my work and pretty much reporting anything, you know.

1 Q. Ms. Newman, you testified that you work for the western
2 region and you said 20 institutions is under your ambit; is
3 that correct?

4 A. That is. So I work for the assistant director for the
5 Reentry Services Division, but I'm responsible for the western
6 region and the northeast region right now.

7 Q. Okay. How many states are in that western region that
8 you're responsible for?

9 A. I can't tell you states, but I can tell you
10 40 institutions, if that helps.

11 Q. It's 40 institutions?

12 A. Yes. Combined total. But if I were just overseeing
13 western region, it would just be 20.

14 Q. Okay. So 40 for northeast and western?

15 A. Yes, sir.

16 Q. You testified about your working setup at the camp. About
17 how -- what are your work hours?

18 A. So I work typically 6:00 to 2:00, sometimes 5:30 to 1:30.
19 It varies a little bit because phone calls and meetings are
20 three hours ahead because all of my counterparts are on the
21 East Coast.

22 Q. Okay.

23 A. So it varies sometimes.

24 Q. So about how much of your day is spent on the phone calls
25 and meetings?

1 **A.** Sometimes half a day. And sometimes I'm on phone calls
2 responding to family concerns or advocates or that type of
3 thing.

4 **Q.** Okay. And you do those meetings and phone calls in the
5 same place with the glass walls?

6 **A.** Yes, sir.

7 **Q.** So people can see that you're taking those calls and
8 meetings?

9 **A.** Yes, sir.

10 **Q.** When you're not there, are incarcerated individuals able
11 to reach you?

12 **A.** Not right now, no. No, sir.

13 **Q.** You testified that your role is to get to the ground truth
14 of certain allegations. Do you recall that?

15 **A.** Yes, sir.

16 **Q.** Okay. Are you familiar with the allegations that have
17 been raised by individuals in this case, either in the
18 Complaint or in the Motion for Preliminary Injunction?

19 **A.** I haven't read all of the documentation. I have not been
20 privy to everything.

21 **Q.** Are you generally aware of the nature of the allegations
22 in this case?

23 **A.** Yes. Yes, sir.

24 **Q.** Can you tell me in about how many of the specific cases
25 that have been raised in -- in this case that you were part of

1 the process to get to the ground truth of?

2 A. I haven't been a part of all of that.

3 Q. How many have you been a part of?

4 A. So if there were concerns as far as halfway house, I've --
5 I've spoken with a couple of inmates about that and we've
6 worked on that. Or like the MINT program, those type of
7 things. So I'm not privy to all of the information that
8 you're -- you're asking me.

9 Q. Okay. Let me ask a different question.

10 Do you understand your responsibilities to include looking
11 into PREA allegations?

12 A. So if there is a PREA allegation, then I follow the
13 protocols.

14 Q. How many PREA allegations have you been involved at the
15 camp or FCI in any way in the past -- since you started your
16 job?

17 A. I've been involved in one PREA allegation, and that was
18 from -- so I was at Carswell, and that was from an inmate when
19 I was doing rounds that had an allegation. So I stopped what I
20 was doing, I took her directly over to psychology because she
21 said the PREA allegation happened at another location.

22 So I wanted to make sure that Dublin had done everything
23 they needed to do to take care and make sure the adult in
24 custody had been seen, if they needed supportive care or
25 anything like that, and the protocols had been followed.

1 so I -- pretty soon I will have the deputy assistant director
2 will be my supervisor. So likely we will get a site visit.

3 Q. Anything planned?

4 A. Nothing's planned yet.

5 Q. To your knowledge, has that person ever been to Dublin?

6 A. Not that I'm aware of.

7 Q. Just on the subject of PREA allegations, you said, for
8 instance, that one thing you might do is you could keep the
9 person with you in the office; is that right?

10 A. That is what you do to safeguard the person.

11 Q. What about after you leave for the day?

12 A. So that person typically -- so you call the OPS
13 lieutenant, and it's their job to check to get them to medical,
14 to get them to psychology. And at that point, they can
15 determine if the -- if the adult in custody feels safe to be in
16 general pop, then they would be in general population. If they
17 don't, then they need to make other arrangements for that
18 person.

19 Q. Do you have any authority to overrule a determination made
20 by the lieutenant about where a PREA -- someone who makes a
21 PREA complaint, where they're ultimately taken?

22 A. So if -- if I had concerns where an adult in custody was
23 being placed after a PREA allegation, I would speak with the
24 executive staff there.

25 Q. Do you have any authority to overrule their determination?

1 **A.** No, I do not.

2 **Q.** You talked a bit about the shower curtain.

3 **A.** Yes, sir.

4 **Q.** And that's at the camp or FCI?

5 **A.** That was at the FCI.

6 **Q.** Okay. Have you ever been around the showers when they're
7 being used and there are guards around?

8 **A.** So primarily at the camp. And typically the officers,
9 from what I've seen, are not around because there's one officer
10 at the camp.

11 **Q.** Okay. What about the FCI?

12 **A.** I have not been around when those showers were being used
13 in the units.

14 **Q.** If inmates are having conversations or complaints about
15 the shower rods that are not brought to your attention, would
16 you be privy to those?

17 **A.** Not necessarily, no.

18 **Q.** Okay. What do you mean not necessarily?

19 **A.** If I became aware of it or if an adult in custody
20 approached me about a concern, then I would look into it and
21 get it remedied.

22 **Q.** Okay. So you mentioned one incident where you looked at
23 the shower rods and spoke to a lieutenant. Are you aware of
24 any other instances in which inmates have complained about the
25 feelings of safety in the shower?

1 **A.** So I -- I didn't bring it to the attention of a
2 lieutenant. I brought it to the attention of the associate
3 warden.

4 **Q.** My question --

5 **A.** Go ahead. Ask --

6 **Q.** It's more specific to are you aware personally in your
7 time at the facility of instances in which residents have
8 complained about feelings of safety or otherwise in their
9 showers?

10 **A.** No, sir.

11 **MR. CHA-KIM:** May I have one moment, Your Honor?

12 **THE COURT:** Yes.

13 **MR. CHA-KIM:** Ms. Newman, thank you very much.

14 **THE WITNESS:** Thank you.

15 **THE COURT:** Redirect?

16 **REDIRECT EXAMINATION**

17 **BY MS. CZIOK:**

18 **Q.** Just to be clear, are you employed by OIA?

19 **A.** No, ma'am.

20 **Q.** Are you employed by OIG?

21 **A.** No, ma'am.

22 **MS. CZIOK:** Nothing further. Thanks.

23 **EXAMINATION**

24 **BY THE COURT:**

25 **Q.** The facilities that you have oversight over, are they all

1 was overwhelming because having the multiple staffing changes
2 resulted in a distrust of the healthcare system. So people
3 would double back two, three times a week just to make sure
4 they were going to be seen or to confirm that they were going
5 to be seen, and it just created an exponential kind of backlog
6 of daily chaos, is how I would put it.

7 **Q.** What did you do moving forward then to make changes to the
8 triage system?

9 **A.** Part of that involved myself conducting sick call in the
10 mornings. Triageing each and every one of those requests and
11 appropriately per policy managing those appointments based on
12 the complaint is how soon the appointment should be.

13 Using that and the amount of providers available, we were
14 able to kind of manage the healthcare so that people that truly
15 needed to be seen that day weren't being turned away to wait
16 for an appointment.

17 **Q.** So practically speaking, what does that mean when you come
18 in in the morning? What happens?

19 **A.** So each morning between 6:00 and 6:30, inmates have sick
20 call, which if they have routine complaints, sore throat, back
21 ache, whatever, they can submit a written request to access
22 healthcare services.

23 The problem is we are short-staffed. We -- we are short
24 providers, so we have more patients than providers or
25 appointments. That's a risk medically because you don't want

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CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

DATE: Monday, January 8, 2024

Pamela Batalo Hebel

Pamela Batalo Hebel, CSR No. 3593, RMR, FCRR
U.S. Court Reporter

Volume 5

Pages 1136 - 1317

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Yvonne Gonzalez Rogers, Judge

CALIFORNIA COALITION FOR WOMEN)
PRISONERS, ET AL.,)

Plaintiffs,)

VS.)

NO. CV 23-04155-YGR

UNITED STATES OF AMERICA)
FEDERAL BUREAU OF PRISONS,)
ET AL.,)

Defendants.)

Oakland, California
Tuesday, January 9, 2024

EVIDENTIARY HEARING

APPEARANCES:

For Plaintiffs:

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Reported By: Pamela Batalo-Hebel, CSR No. 3593, RMR, FCRR
Official Reporter

1 oversight requirements or recommendations that the task force
2 recommended was the addition of a third associate warden and a
3 second captain. Do you recall that?

4 **A.** I do.

5 **Q.** Who is the third associate warden currently, sir?

6 **A.** We do not have a third associate warden currently.

7 **Q.** How long has that recommended post been vacant?

8 **A.** The third associate warden retired in August.

9 **Q.** Okay. And how long had that person been in that third
10 associate warden position?

11 **A.** Approximately a year.

12 **THE COURT:** Who was that?

13 **THE WITNESS:** That was AW -- Associate Warden Beth
14 Buckner.

15 **BY MR. CHA-KIM:**

16 **Q.** Was that the first person to hold that role?

17 **A.** For the third associate warden position, yes.

18 **Q.** Okay. And is there currently a posting out to fill the
19 third associate warden position?

20 **A.** There is not.

21 **THE COURT:** Why not?

22 **THE WITNESS:** Your Honor, at this time, the initial
23 response for what was required or needed for Dublin was
24 administrative, the extreme oversight. With the process or
25 implementation of the working plan, the progress that we've

1 made, we didn't feel that the third associate warden position
2 was -- was -- was required any further. We actually replaced
3 it with an attorney.

4 **THE COURT:** You mean you replaced it with in-house
5 counsel?

6 **THE WITNESS:** Yes, Your Honor.

7 **THE COURT:** Proceed.

8 **BY MR. CHA-KIM:**

9 **Q.** The in-house counsel position that replaced the third
10 associate warden, when did that person start?

11 **A.** That person started approximately three weeks ago.

12 **Q.** And is that person located on staff or on site at Dublin?

13 **A.** Yes.

14 **Q.** Who is that person?

15 **A.** She's actually sitting at the table.

16 **Q.** Could you identify her by name, please.

17 **A.** I'm sorry. I'm drawing a blank right now. Kristi Sutton.

18 **Q.** That's okay. It's early.

19 **A.** Yeah.

20 **Q.** Is it your understanding that this new counsel position's
21 responsibilities are similar to what the third associate warden
22 was carrying out?

23 **A.** No. The third associate warden position was more focused
24 on correctional services and responsibilities and oversight of
25 correctional services and UNICOR.

1 Q. Sure. You just spoke about there is a phase one, there's
2 a phase two, and I think you might have mentioned a phase
3 three, but correct me if you didn't. When is phase one?

4 A. There isn't a necessary time frame. It all depends on how
5 the course of naturally making progress at an institution can
6 happen. So there isn't necessarily when is phase one, when is
7 phase two. It's when you start to meet those -- those goals or
8 recommendations, then you start to transition into the next
9 phase.

10 Q. I see. And are you still currently in phase one?

11 A. I'd say we're in between phase one and phase two. We're
12 working into phase two.

13 Q. All of that would be reflected in the working plan
14 document that the Judge is going to get later?

15 A. I would say that that's reflective.

16 Q. Okay. When is the last time you looked at that document?

17 A. It's been about three weeks.

18 Q. Who -- just so the Judge has context when she gets that
19 document, who edits that document?

20 A. It's a collaborative effort between central office, the
21 regional office, and locally at the -- at the institutional
22 level.

23 Q. At the institutional level, to your knowledge, who edits
24 that document?

25 A. That would be the executive assistant, myself, the -- the

1 captain has input on that, the other associate wardens, the
2 warden. So we all collectively work on that document.

3 Q. And, again --

4 THE COURT: Which captain?

5 THE WITNESS: Captain Quezada.

6 THE COURT: And how do you spell that?

7 THE WITNESS: Q-U-E --

8 THE COURT: Oh, okay. I know who you're...

9 BY MR. CHA-KIM:

10 Q. Just to orient the Judge when she gets that document, is
11 this a document that is iterative in the sense that it's
12 constantly being changed? Or are prior versions of it saved
13 somewhere?

14 A. It's an active live document, so we're constantly updating
15 it. So we don't change the recommendations. We -- we just
16 make --

17 THE COURT: But the question is a little bit
18 different. Let's say you change it once a month. If I asked
19 you for each version every month, are you writing over it, or
20 are you saving each version of it?

21 THE WITNESS: We're writing over it, but we --
22 obviously we have emailed out the working plan back to central
23 office. So we would have -- we could backtrack and go back and
24 say okay, well, this is -- this is the last document that we
25 sent out to you. But we -- we do write over it.

1 **THE COURT:** Stop writing over it.

2 **THE WITNESS:** Yes, Your Honor.

3 **THE COURT:** Keep going.

4 **MR. CHA-KIM:** Thank you, ma'am.

5 **Q.** Now, the -- 19 individuals are currently on administrative
6 leave for some sort of sexual misconduct; is that right?

7 **A.** That's -- that's correct.

8 **Q.** Okay --

9 **A.** No, I'm sorry. Let me rephrase. Not all 19 are for
10 sexual misconduct.

11 **Q.** If the Agostini declaration stated that the 19 were for
12 sexual misconduct, would that be incorrect, then?

13 **A.** I would have to -- I would have to check.

14 **THE COURT:** So can I -- I thought that they were on
15 leave immediately upon allegations. So is it -- so explain
16 that to me.

17 **THE WITNESS:** Your Honor --

18 **THE COURT:** Because confirmation and allegations are
19 two different things.

20 **THE WITNESS:** Yes.

21 So we receive an allegation. We confirm the allegation.
22 If we can't confirm the allegation, if there's some type of
23 touching and we can't confirm the allegation, then we
24 immediately start the process for removal. So that will happen
25 immediately.

1 work. And if they're on -- if they're on workmen's comp or
2 they're out of the institution, we have to establish that
3 meeting immediately once they return to the facility.

4 **Q.** Am I correct in understanding, then, sir, that placement
5 on administrative leave only occurs in the event of a referral
6 out to an external agency?

7 **A.** Can you repeat the question?

8 **Q.** Sure. You say there's a referral -- sorry -- placement on
9 administrative leave within 24 hours of a referral. So I'm
10 asking is it your understanding that someone is placed on
11 administrative leave for this type of accusation only in the
12 event of a referral made out to an external agency?

13 **A.** That would be consistent.

14 **Q.** Meaning you never put someone in administrative leave
15 while you look into matters internally, as you testified about?

16 **A.** I wouldn't be aware of that.

17 **Q.** Is there anything that prevents you from doing something
18 like that?

19 **A.** From doing something -- from what?

20 **Q.** From placing someone on administrative leave while you
21 look into whether there should be a referral made.

22 **A.** Not that I'm aware of.

23 **Q.** I want to ask quickly about your testimony about instances
24 of non-touching allegations.

25 So you would agree that under PREA, certain violations can

1 **A.** We did.

2 **Q.** Okay. Do you still have it?

3 **A.** We do.

4 **Q.** Okay. Are you able to talk about an Officer Cooper?

5 **THE WITNESS:** Your Honor, I'm not able to talk about
6 Officer Cooper.

7 **BY MR. CHA-KIM:**

8 **Q.** Are you able to talk about an Officer Groover?

9 **A.** To my knowledge, I'm not -- I am not authorized to talk
10 about Officer Groover.

11 **Q.** Okay.

12 **THE COURT:** Hold on.

13 I understand, and while it was not shared with you,
14 Mr. Cha-Kim, that OIA has opened investigations with respect to
15 all allegations made during this evidentiary hearing. So
16 there's no need to go through all those names as OIA has opened
17 up investigations.

18 **MR. CHA-KIM:** Understood, Your Honor.

19 Am I allowed to ask the associate warden about actions he
20 may have been aware of prior to that OIA opening it up
21 recently?

22 **THE COURT:** At this point they're under investigation.

23 **MR. CHA-KIM:** Understood.

24 **THE COURT:** Let's move on to something else.

25 / / /

1 in the case of PREA allegations?

2 **A.** Logistically, there is no other options. It's you're
3 either going to be -- you can maintain in general population
4 because your safety is not at risk, or you have to look at
5 means to ensure the safety of that individual.

6 We don't have any -- we don't have a -- any -- many middle
7 ground, Your Honor, on putting them in another, say, housing
8 unit. Every -- all the inmates in general population at the
9 FCI have access to each other.

10 So if there's a concern or if there's animosity or there's
11 a threat to that individual, we -- we unfortunately would have
12 to utilize restrictive housing. But --

13 **THE COURT:** So, and the problem with that is the level
14 of restriction that is programmed for anyone in the SHU. And
15 so it's not at all clear to me why you couldn't move them into
16 the housing unit where the SHU is located without the
17 restrictions that are set there for punishing someone who has
18 violated the rules or is being put in the SHU for -- for a
19 punitive reason. That is not at all clear to me.

20 **THE WITNESS:** Utilizing restrictive housing, you have
21 administrative detention and then you have disciplinary
22 segregation. You do have -- there's a separate entity while
23 you're placed in SHU.

24 While you're under investigation or you're under --

25 **THE COURT:** But these people aren't under

1 investigation. And those people work for you.

2 **THE WITNESS:** That's accurate.

3 Your Honor --

4 **THE COURT:** Let me tell you something. You're going
5 to have to figure it out because I'm not going to tolerate it.
6 So start thinking.

7 **THE WITNESS:** Yes, Your Honor.

8 **THE COURT:** Go ahead.

9 **MR. CHA-KIM:** Thank you, Judge.

10 **Q.** Sir, you testified that the legal pilot line was the
11 result of a DOJ collaboration. Do you recall that?

12 **A.** It was a collaborative effort.

13 **Q.** Okay. So you started in 2022?

14 **A.** Yes.

15 **Q.** Okay. So you weren't aware of the fact that the pilot
16 line came about after a line of correspondence back and forth
17 between legal advocates and BOP lawyers starting in 2018; were
18 you aware of that fact?

19 **A.** No.

20 **Q.** Okay.

21 **A.** The way it was brought to my attention was trying to find
22 confidential ways for our individuals in our care to be able to
23 contact their -- their attorneys or their legal advocates.

24 **Q.** You testified -- you were asked if you're aware of a
25 member of your staff conducting a visual search to retaliate,

1 two.

2 Q. All right. This document doesn't tell me what's phase one
3 or phase two, does it?

4 A. I don't believe so.

5 Q. So how am I supposed to know that?

6 A. I can take a look at it again, Your Honor, and try to
7 establish that.

8 Q. Okay. So what I'm going to have you do is I'm going to
9 have you take this document back. We've got an attorney
10 lounge. It's comfortable. And you sit there and you annotate
11 it so I know. And then we'll make copies and that's the one
12 I'll accept.

13 THE COURT: Can you hand this to him.

14 Q. The Moss report -- well, tell me about the training that
15 they're supposed to be doing next week.

16 A. The training, 17th to the 19th, is gender-informed care,
17 learning to work with individuals in our care --
18 trauma-informed care. I'm sorry, Your Honor. Learning to work
19 with individuals in our care that deal with trauma.

20 Q. And who are they training?

21 A. Non-bargaining staff, department heads, managers.

22 Q. So non-union staff?

23 A. Non-union, yes, Your Honor.

24 Q. But wouldn't the -- isn't it the union staff that deal
25 directly with the population?

1 A. We all do, but they deal more directly with the
2 population, yes.

3 Q. So management is getting three days of training and union
4 staff is getting none?

5 A. We are working in that direction. Working with the
6 central office, we are establishing our trauma-informed care
7 for our bargaining unit staff.

8 Q. Is that in there, in that plan?

9 A. I'd have to check, Your Honor.

10 Q. And when is that supposed to happen, the training of the
11 union staff?

12 A. We are still trying to establish that date.

13 We have conducted other trainings, like deescalation
14 training, which is working on communication with our inmate
15 population, understanding the types of individuals that we're
16 trying to work with.

17 Q. When did that training happen?

18 A. Deescalation training was roughly April, May of '23.

19 Q. How long did it last?

20 A. It was three or four days, and all staff were trained, I
21 believe.

22 Q. Onsite?

23 A. Onsite by a contractor.

24 Q. Was that The Moss Group?

25 A. No. That was separate.

1 individuals who are serving in jobs and in serving in those
2 jobs are building skills?

3 **THE WITNESS:** We --

4 **THE COURT:** So how do you deal with them? Because it
5 seems to me part of the goal is to give skills to these
6 individuals. And if somebody is becoming expert in HVAC,
7 right, that's a really positive thing. But if you're
8 constantly shifting people around, then they're not going to be
9 able to build skills.

10 **THE WITNESS:** You're right, Your Honor. And then in
11 those cases, they do stay on for a longer period of time, and
12 that's where it would be wanted.

13 UNICOR would be another area where they would stay on that
14 job longer so they could get their 500 hours for FSA, or First
15 Step Act, credits to -- for early release.

16 So we do work with the inmate population when it's -- when
17 it's in areas that we can identify that there's a greater need
18 to help them reenter into society.

19 But for the overall case, someone working in the food
20 service warehouse or trust fund warehouse where they're moving
21 pallets, there really isn't -- there isn't an exception there
22 to warrant them to stay on that position for longer than is
23 needed. And there is an increased concern with complacency or
24 getting too familiar with that -- that area.

25 So in certain cases, yes, we do -- we have identified

1 certain positions that warrant placement for longer periods of
2 time.

3 **THE COURT:** There's also a concern, and this was
4 testified to by the person who is expert in these HVAC systems
5 there, that the facilities, if you are very far away, if you're
6 on the wings, and I don't have -- I've got some memory of how
7 the institution is set up, but it's not -- I don't have it
8 memorized -- that those rooms that are far away are very cold.
9 It is winter. Temperatures are dropping. And they don't have
10 sufficient blankets.

11 **THE WITNESS:** So I am aware of the heating issues that
12 we have. Our HVAC systems aren't the best. When I'm aware
13 that there's an issue, I address it immediately to the point
14 that I put in a corrective action that I want staff to do
15 temperature checks on a daily basis to make sure that they stay
16 at -- that they're within policy.

17 **THE COURT:** But are those temperature checks being
18 done in the middle of the night?

19 **THE WITNESS:** No, Your Honor.

20 **THE COURT:** And, see, that's the problem. Because
21 during the day, it could be a lovely day. But temperatures can
22 drop 20, 25 degrees at night.

23 So how are you -- so it doesn't sound like you're getting
24 information on the actual issue that they're raising. And in
25 the United States, people should not have to be in their cells

1 while in a visitation area mandatory for minimum security
2 institutions?

3 **A.** Yes. Again, so they don't hide contraband.

4 **Q.** And you believe there's a policy that says that?

5 **A.** I do. I have not seen it, but I'm certain that's what
6 we -- that makes the most logical sense to me.

7 **Q.** Okay. I was handed a document today, Exhibit T, that
8 seems to suggest that's not the case. Take a look at that.
9 Read the second paragraph.

10 Doesn't that exclude minimum security facilities from the
11 policy?

12 **A.** It does.

13 **Q.** So the policy of the BOP does not make it mandatory.
14 I'll take it back.

15 Is that right? According to this document that was handed
16 to me, Exhibit T?

17 **A.** Yes. According to that policy supplement -- policy
18 statement, rather, that would be correct.

19 **Q.** Do you have any information about whether other minimum
20 institution facilities that you've been at are keeping people
21 under visual search while they're in the restroom?

22 **A.** This is the first time I've been posed with that question.

23 **Q.** So the answer is no?

24 **A.** Correct.

25 **Q.** With respect to your notice, document 423, was anything

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CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

DATE: Tuesday, January 9, 2024

Pamela Batalo Hebel

Pamela Batalo Hebel, CSR No. 3593, RMR, FCRR
U.S. Court Reporter

Pages 1 - 14

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Yvonne Gonzalez Rogers, Judge

CALIFORNIA COALITION FOR WOMEN)
PRISONERS, et al.,)

Plaintiffs,)

VS.)

NO. 23-CV-04155-YGR

UNITED STATES OF AMERICA,)
FEDERAL BUREAU OF PRISONS, et)
al.,)

Defendants.)

San Francisco, California
Friday, January 26, 2024

TRANSCRIPT OF REMOTE ZOOM PROCEEDINGS

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(Appearances Continued on Page 2.)

REPORTED REMOTELY BY: Stephen W. Franklin, RMR, CRR, CPE
Official United States Reporter

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1 for the Bureau of Prisons.

2 **THE COURT:** All right. Great.

3 Well, even though I delayed in getting to you, I can
4 assure you that you're happy you were not at the courthouse
5 today. We have had -- they've closed off streets. They've got
6 more security personnel here than we normally have. There was
7 a big hearing in another courtroom, and it's been a little
8 crazy today.

9 So, plus, I didn't want to have people fly from Montana
10 and other places for this update.

11 Associate Warden Deveney, got an update for me?

12 **MR. DEVENEY:** Yes, Your Honor. Good afternoon.

13 **THE COURT:** Good afternoon, sir.

14 **MR. DEVENEY:** So you requested me to review the court
15 transcripts of the testimony from the inmates. I have. In
16 that process, we did receive one allegation from direct
17 testimony that has resulted in a staff member placed on
18 administrative leave.

19 With, in addition to that, we had one, another individual
20 who came back to the institution and claimed a pre-allegation,
21 and in the process of that we had placed another staff member
22 on administrative leave.

23 JL, she has since received a compassionate release and has
24 been released.

25 SL, I followed up with her regarding her -- sorry, not her

1 So that should help you, Mr. Galvan.

2 **MR. GALVAN:** Thank you.

3 **THE COURT:** Okay?

4 **MR. GALVAN:** Your Honor, looking at my notes, I
5 realize I had two other things for Associate Warden Deveney.
6 If I can ask them before we adjourn?

7 **THE COURT:** All right.

8 **MR. GALVAN:** Our clients told us that five managers
9 were walked off this week, including one who testified, Captain
10 Cazada (phonetic), and the SIS lieutenant, which left us with a
11 question: Who is in charge of SIS now?

12 **MR. DEVENEY:** Can you repeat that question?

13 **MR. GALVAN:** Sure.

14 Our clients told us this week that there were five
15 managers, all female managers, who were put on leave or walked
16 off this week, including Captain Cazada, who testified, and
17 Lieutenant Hardey, who we were told was the SIS lieutenant.

18 And so the question is: Since SIS is so important, who
19 has SIS now?

20 **THE COURT:** Well, first of all, were five female
21 managers walked off?

22 **MR. DEVENEY:** There were five managers placed on
23 administrative leave.

24 **THE COURT:** Okay. And did they include those two,
25 Cazada and Hardey?

1 **MR. DEVENEY:** They did.

2 **THE COURT:** Okay. So who is in charge of SIS now?

3 **MR. DEVENEY:** Well, there's Acting Captain Bodazan
4 (phonetic) and Acting Captain Ayello (phonetic).

5 **MR. GALVAN:** Is Bodazan also in charge of SIA now?

6 **MR. DEVENEY:** He has been acting in the capacity of
7 SIA. So starting Monday, he will have a dual role. He won't
8 be acting captain at that point.

9 **MR. GALVAN:** So he'll be both SIA and SIS?

10 **MR. DEVENEY:** Yes.

11 **MR. GALVAN:** And then I had an individual witness-
12 client concern. CH, who testified -- so that's Charlie Hotel,
13 CH -- told us that after the hearing she was taken off of her
14 psychiatric medication, and that an officer who had previously
15 harassed her has searched her cell twice. And so she wanted us
16 to raise that with you.

17 **MR. DEVENEY:** Okay. I can look into that.

18 **MR. GALVAN:** Thank you.

19 Thank you, Your Honor.

20 **THE COURT:** Okay. Anything else?

21 Anything that defendants want to say or any other updates
22 from defendants?

23 **MS. MATTIOLI:** No, Your Honor.

24 **THE COURT:** Okay. All right. Well, I know this was
25 short, but I've been on since 8:00 a.m., so I tried to get to

1 you as soon as I could.

2 Okay. All right. Everybody have a good weekend.

3 **VOICES:** Thank you, Your Honor.

4 (Proceedings concluded at 2:07 p.m.)

5 ---o0o---

6 **CERTIFICATE OF REPORTER**

7 I certify that the foregoing is a correct transcript
8 from the record of proceedings in the above-entitled matter.

9
10 DATE: Thursday, February 1, 2024

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14 Stephen W. Franklin, RMR, CRR, CPE
15 Official Reporter, U.S. District Court
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